

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 8, 1980

Senate called to order by the President.

Prayer by the Reverend George C. Bland, Jr., of South Parish Congregational Church of Augusta.

Reverend BLAND: Let us pray! Almighty God you have given us our lives, and with them the call and the capacity to be faithful.

By your grace send us the knowledge that there are a higher and a lower kind of faithfulness, and also the power to discriminate them.

You have shown us that where faithfulness is at issue there will be choices, there will be costs, that we are often blocked from falling back upon tired categories, routines, and relationships.

O Lord, keep our words true, our actions exemplary, our relationships prophetic, that we may be faithful servants of your people, and your will. Amen.

Reading of the Journal of yesterday.

Papers from the House
Joint Resolution

Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of John Platz, Auburn, Chairman of Maine Maritime Academy Trustees. (H. P. 1809)

Comes from the House, Read and Adopted.

Which was Read and Adopted, in concurrence.

Committee Reports
House

The following "Ought Not to Pass" report shall be placed in the Legislative Files without further action pursuant to the Joint Rules:

Bill, "An Act Concerning Membership on the Board of Trustees of the Van Buren Light and Power District." (Emergency) (H. P. 1607) (L. D. 1718)

Ought to Pass

The Committee on Local and County Government on, Bill, "An Act to Authorize a Bond Issue for Franklin County for the Construction of a New Detention Facility." (H. P. 1650) (L. D. 1759)

Reported that the same Ought to Pass.

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

Which Report was Read and Accepted in concurrence, and the Bill Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

The Committee on Transportation on, Bill, "An Act Concerning the Category of Modified Antique Autos under the Motor Vehicle Statutes." (H. P. 1598) (L. D. 1709)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 764).

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 Clarify Procedures Involved with the Municipal Shellfish Conservation Program." (H. P. 1613) (L. D. 1723)

Reported that the same Ought to Pass as amended by Committee Amendment "A".

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

The Committee on Local and County Government on, Bill, "An Act Providing for the Election of a Deputy Moderator at Town Meetings." (H. P. 1737) (L. D. 1855)

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

768).

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.

Senate

Leave to Withdraw

Senator Gill for the Committee on Health and Institutional Services on, Bill, "An Act to Limit the Department of Human Services from Mandating X-ray Requirements in Regard to Chiropractic Treatment." (S. P. 656) (L. D. 1695)

Reports that the same be granted Leave to Withdraw.

Which Report was Read and Accepted.

Sent down for concurrence.

Second Readers

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

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

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

Bill, "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)

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

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

House — As Amended

Bill, "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)

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

Enactors

The Committee on Engrossed Bills reports as truly and strictly engrossed the following: An Act to Expand the State's Program to Promote Apprenticeships. (H. P. 1617) (L. D. 1727)

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

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 7, 1980 by Senator Pierce of Kennebec.

Pending—Passage to be Engrossed.

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

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

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

Tabled—February 7, 1980 by Senator Pierce of Kennebec.

Pending—Passage to be Engrossed.

On Motion by Senator Katz of Kennebec, Retabled.

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

RESOLUTION, Proposing an Amendment to

the Constitution of Maine to Undedicate the Highway Fund. (H. P. 1799) (L. D. 1921)

Tabled—February 7, 1980 by Senator Pierce of Kennebec.

Pending—Consideration.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I move the Senate Recede and Concur.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, moves that the Senate Recede and Concur with the House.

The Chair recognizes the Senator from Somerset, Senator Teague.

Senator TEAGUE: I would hope the Senate does not Recede and Concur with the House. I would ask for a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Motion to Recede and Concur with the House, please rise in their places to be counted.

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

10 Senators having voted in the affirmative, and 11 Senators in the negative, the Motion to Recede and Concur does not prevail.

The Chair recognizes the Senator from Somerset, Senator Teague.

Senator TEAGUE: I move we Adhere.

The PRESIDENT: The Senator from Kennebec, Senator Teague, moves that the Senate Adhere.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President, might I inquire as to the status of the bill, and the action of the other House?

The Bill Read.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President the implication of the motion of the good senator that the Senate Adhere, effectively kills this bill, prior to Reference. If that is your pleasure you will vote to Adhere. I am going to vote against the motion to Adhere, and I would urge members of the Senate to do so also.

The PRESIDENT: The Chair will order a Division.

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President I request that when the vote is taken it be taken by the Yeas and Nays.

The PRESIDENT: A Roll Call has been requested. Under the Constitution in order for the Chair to order a Roll Call it requires the affirmative vote of 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 Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President and Members of the Senate. It is my understanding that the proposal before us, that we are debating on, what committee this Bill should be sent to, is one dealing with a very, very serious subject matter and one of great concern to the voters of this State.

The action that we are taking right now appears to me, or at least if the Senate was to Adhere, would be, seem to me that we would be falling right into the arms of the contractors who build the highways throughout this State. Maybe that is what you do feel, maybe that is what the vast majority of the voters of this State feel.

I think that we ought to have a public hearing

on this bill. I think that it should be well debated as to whether or not such a serious matter as the undedication of the State Highway Fund, dealing with so many things in our highway system. I think that it is certainly a large enough issue, it should be brought to the public's attention and that we should not kill this by the fact that it can not be referred to a committee.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President, there may be those in the Senate today, who do not have any clear understanding as to the shambles of the Highway Funding. I think that the committee and the Legislature is going to need every possible tool we can lay our hands on to get us out of the mess.

At the moment one of the tools that might have been available, an increase in the gas tax, has been taken away from us. But I would ask you to leave the door open to any other alternatives that come before us. This may very well be a vehicle that will attract the support of some people, and permit us to arrive at some kind of a compromise in Highway Funding, but certainly it is far too important, far too important to kill on reference.

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is the Motion of the Senator from Somerset, Senator Teague, that the Senate Adhere.

A Yes vote will be in favor of the Motion to Adhere.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Collins, Cote, Emerson, Hichens, Lovell, McBreairsty, Minkowsky, Perkins, Shute, Silverman, Teague, Usher.

NAY—Ault, Carpenter, Conley, Danton, Farley, Gill, Huber, Katz, Najarian, Pierce, Pray, Redmond, Trafton, Trotzky.

ABSENT—Chapman, Clark, Devoe, Martin, O'Leary, Sutton.

12 Senators having voted in the affirmative, and 14 Senators in the negative, with 6 Senators being absent, the Motion to Adhere does not prevail.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I move the Senate Recede and Concur.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, moves the Senate Recede and Concur with the House.

Is this the pleasure of the Senate?

The Motion Prevailed.

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

Enactor

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

Emergency

An Act to Authorize the Town of East Millinocket to Purchase the Assets of Northern Water Company. (H. P. 1651) (L. D. 1760)

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: I move this bill be tabled for 1 Legislative Day.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that L. D. 1760 be tabled for 1 Legislative Day.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President, may I withdraw my motion please?

The PRESIDENT: The Senator from Kennebec, Senator Katz, now requests Leave of the Senate to withdraw his motion to Table L. D. 1760.

Is it the pleasure of the Senate to Grant this

Leave?

It is a vote.

Senate at Ease

The Senate called to Order by the President.

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.

On Motion by Senator Pierce of Kennebec, Adjourned until Monday, February 11, at 12 o'clock noon.