

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

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FOURTH SPECIAL SESSION

April 28, 1982 and April 29, 1982

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FIFTH SPECIAL SESSION

May 13, 1982

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SECOND CONFIRMATION SESSION

July 16, 1982

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Signed:
Senator:

TRAFTON of Androscoggin

Representatives:

DAVIES of Orono
RIDLEY of Shapleigh
BENOIT of South Portland
MCGOWAN of Pittsfield
KANY of Waterville
VOSE of Eastport
CONNOLLY of Portland

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:
Senators:

TROTZKY of Penobscot
DEVOE of Penobscot

Representatives:

WEYMOUTH of West Gardiner
BORDEAUX of Mount Desert
PARADIS of Old Town

Which Reports were Read.

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

Senator COLLINS: Mr. President, I move this matter be Tabled for 1 Legislative Day.

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

Senator PRAY: I move this item lie on the Table until later in today's session.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now moves that this Bill be Tabled until later in today's session, pending Acceptance of the Committee Report.

The Chair recognizes the Senator from Penobscot, Senator TROTZKY.

Senator TROTZKY: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Penobscot, Senator Pray to Table L. D. 1844 until later in today's session, 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 12 Senators having voted in the negative, the motion to Table L. D. 1844 until later in today's session does not prevail.

Is it now the pleasure of the Senate to Table this Bill for 1 Legislative Day?

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: I request a Roll Call.

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 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 Knox, Senator Collins, to Table L. D. 1844 for 1 Legislative Day.

A Yes vote will be in favor of the motion to Table L. D. 1844 for 1 Legislative Day.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Ault, Bustin, Collins, Devoe, Emerson, Gill, Huber, McBreaarty, Perkins, Pierce, Redmond, Sewall, c.; Shute, Sutton, Teague, TROTZKY. The President—J. Sewall.

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

ABSENT—O'Leary, Violette.

Senator Bustin of Kennebec was granted permission to change her vote from Yea to Nay. A Roll Call was had.

16 Senators having voted in the affirmative and 15 Senators in the negative, with 2 Senators being absent, the motion to Tabled L. D. 1844

for 1 Legislative Day pending Acceptance of Either Committee Report, does prevail.

Divided Report

The Majority of the Committee on Education on, Bill, "An Act to Revise the Education Laws." (Emergency) (S. P. 561) (L. D. 1554)

Reported that the same Ought to Pass in New Draft under Same Title. (S. P. 897) (L. D. 2042)

Signed:
Senators:

TROTZKY of Penobscot
CLARK of Cumberland

Representatives:

CONNOLLY of Portland
GOWEN of Standish
LOCKE of Sebec
THERIAULT of Fort Kent
MATTHEWS of Caribou
THOMPSON of South Portland
MURPHY of Kennebec

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:
Senator:

PIERCE of Kennebec

Representatives:

BROWN of Gorham
BROWN of Livermore Falls
ROLDE of York

Which Reports were Read.

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

Senator TROTZKY: Mr. President, I would like to first of all, move Acceptance of the Ought to Pass, in New Draft, Report.

The PRESIDENT: The Senator from Penobscot, Senator TROTZKY, moves that the Senate Accept the Majority Ought to Pass, in New Draft, Report of the Committee.

The Senator has the floor.

Senator TROTZKY: Mr. President and Members of the Senate: for those Senators who have been around a few sessions, we have seen that many bodies of law have been recodified. For example, one was the Marine Resources Law, as I remember it, the Criminal Code, and so on.

Before you, you have the recodification of the Education Law, which I'm sure none of you have read through thoroughly.

Let me explain the process that took place on the recodification of the Education Law. The recodification was submitted to the First Session of the 110th Legislature. The Bill was referred to the Joint Standing Committee on Education. The Joint Standing Committee on Education held a hearing on this Bill this past June, during the First Session of the Legislature.

Those attending the public hearing were offered an opportunity to place their names on a mailing list for future work sessions. We had at that meeting the Maine School Superintendents Association, the Maine Teachers Association, and others, including the attorneys plus attorneys from the Attorney General's office.

Because of the size of the Bill, you can say, the Bill was divided into, we divided the Bill into four sections for four sub-committees. During the summer and fall, legislators on the Education Committee attended these work sessions with members of the public.

Each work session was announced on the legislative calendar, which is distributed to quite a few members of the public. The Committee staff prepared an old law, new law, side by side. What this was, was a large page showing the old law and the recodified law. It was done systematically.

Prior to each work session, with respective sub-committees, the Committee reviewed the side by side with the Department of Education and affected educational constituency groups. Again, I say Maine School Management and their attorneys had a chance to review this through the school board lawyers, Maine Teachers Association, also, had a chance to

review it with their lawyers.

At the work session, we received suggested changes from the Department of Education, constituency groups, and a final draft, which all parties received.

The key thing to recodifying a law is that there be no substantive changes. This is a major thing. Whenever there was a question of a controversy in the Committee over substantive changes, we retained the wording of the law as it is presently in the books.

Okay, the Bill, right now some people are questioning this Bill. We passed out to you, things came across your desk, for example, first was a letter from an organization called GEM, Guardians of Education in Maine, headquartered in Camden.

Now, GEM, for example, they said that we omitted something called dissemination of obscene matters to minors. That was the first thing that they objected to. The Education Committee then distributed something else on your desks, and the answer to that, is this, what they said we omitted is found in Title 17A, and therefore LD 2042 does not recodify Title 17A. It's still in the law.

They then were concerned about, they gave a whole list of specifics that they thought we were changing. We went over every one of them, and we responded to the Legislature with a letter to every member of the Legislature, showing that, in practically all of these cases, that we were not changing anything substantially, or else they couldn't find in the law what they thought was omitted.

There were a few things, for example, we omitted a list of cross references. We, and so on, these cross references are coming along in an amendment to this. We have an amendment coming along tomorrow, where anything that was brought up which was an omission, or possibly if somebody complained of a substantive change, we have put it back in its present form.

For example, you had a letter from the distinguished school board member, Mary Adams, where she was concerned about leaving something out that had to do with the American flag. This is going to be put back in, in the amendment.

However, a lot of time and a lot of work has been put into this.

There is another group that wants to see this sink. That is the Maine Association of Christian Schools. They came into this Legislature a couple of years ago with a bill to exempt Christian schools from State control. The Legislature turned them down, and felt that Christian schools should be subject to some State control, meaning all private schools, religious schools and so on, should have some State approval to protect the kids.

So what they want to do is, they want this Bill to go under, because they want to make a substantive change in the present law to eliminate the approval of private and religious schools. That's what they want to do, but the Committee has agreed that there would be no substantive changes.

They said this Bill would affect their fight in court. This is not true, because of the court fight that they are having right now. They are challenging, they are using the Constitution, not the Education Law, but the First Amendment to the Constitution to try and free themselves from any State control.

A lot of work and a lot of time has been put into this by the Legislature's Education Committee, by attorneys for many different groups, and a lot of money in printing. It costs quite a bit to print a Bill this size. I believe that Senator Clark mentioned to me before that approximately \$50,000 has been used in taxpayer dollars to recodify the Education Law.

Now the Education Law has to be recodified like many of the other laws, because over a period of hundreds of years, language becomes outdated. There are inconsistencies in the law. In the present law it's very difficult to find a

section, sections that deal will, for example, teachers may be all over the Education Law. An issue dealing with school boards may be all over.

We put this together in a good form that can be read well. People can look up, find things. At the same time, there are not substantive changes.

Let me say what we intend to do with this. Because there are people, and I realize that many, many, you know, people did not, the Legislature did not read it. I know they won't read next year or the year after. This bill was held over.

What we are doing is this. We are going to bring forth an amendment which will address any substantive changes that have been up. So, and so there is no substantive change. Any omissions, and we've held, we had a public hearing the other day to respond to any of the questions that Mrs. Dobbs of the Guardians of Education in Maine had, or Mary Adams had, or anybody else. We the, any issues that were valid. But many of the times, all they could come up with was generalities, generalities which had absolutely nothing to do with the specifics in here.

So what we are going to do is, we are going to put an amendment on the end of this Bill tomorrow, which essentially will say that this law will not become effective until June 30, 1983, at the end of the six months of the next Legislative Session. This law will have wide dispersal throughout the State, even though it's not effective. If there are any other concerns about substantive changes, they can be addressed by the next Legislature. It's a safety precaution.

To turn this Bill down now, and kill this Bill, you are costing the people of the State of Maine over \$50,000 in expenses for no valid reason. If there are any substantive changes that you feel we have in this Bill, I would like them addressed to the Education Committee. If the Committee feels there are substantive changes, we will put an amendment on, include it in the amendment which will be offered tomorrow.

So, therefore, I would hope that somebody would Table this for 1 Legislative Day.

On motion by Senator Collins of Knox, Tabled for 1 Legislative Day, pending the motion by the Senator from Penobscot, Senator Trotzky.

Second Readers

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

House

Bill, "An Act to Clarify the Authority of Municipalities to Raise and Expend Money for Athletic Facilities." (H. P. 2265) (L. D. 2112)

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

House — As Amended

Bill, "An Act to Clarify and Make Corrections in the Motor Vehicle Laws." (H. P. 2185) (L. D. 2071)

Bill, "An Act Relative to the Theft of Utility Services." (H. P. 1821) (L. D. 1806)

Bill, "An Act Amending the Electrician's Licensing Law." (H. P. 2127) (L. D. 2045)

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

Senate

RESOLVE, Authorizing the Department of Human Services to Direct the Development of an Assessment Tool and Referral System to Assist Persons Considering Boarding Home Care. (S. P. 963) (L. D. 2116)

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

Sent down for concurrence.

Enactors

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

AN ACT to Amend the Child Support Laws. (H. P. 2184) (L. D. 2070)

AN ACT Concerning Payments of School Committee Debts. (S. P. 749) (L. D. 1752)

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

(Senate at Ease)

The Senate called to order by the President.

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

Communication

Committee on Energy and Natural Resources

March 31, 1982

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 110th Legislature.

Total number of bills received:	18
Unanimous reports:	14
Leave to Withdraw	2
Ought Not to Pass	1
Ought to Pass	5
Ought to Pass as Amended	4
Ought to Pass in New Draft	2
Divided Reports:	4

Respectfully submitted,
S/JAMES A. MCBREAIRTY
Senate Chairman

Which was Read and Ordered Placed on File.

Committee Reports House

Leave to Withdraw

The Committee on Health and Institutional Services on, Bill, "An Act to Establish Statutory Guidelines for the Planning and Expenditure of Social Service Funds." (H. P. 1879) (L. D. 1872)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Public Utilities on, Bill, "An Act to Require Electric and Gas Energy Forecasts." (H. P. 1927) (L. D. 1896)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Public Utilities on, Bill, "An Act to Ensure Funding for the Eventual Decommissioning of Any Spent Fuel Disposal at Any Nuclear Plant." (H. P. 2096) (L. D. 2030)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Reports were Read and Accepted, in concurrence.

Enactors

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

Emergency

AN ACT to Revise the State Takeover Bid Law. (S. P. 957) (L. D. 2103)

This being an emergency measure and having received the affirmative votes of 28 Members of the Senate, with No Senators having voted 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.

Emergency

AN ACT Creating the Housing Opportunities

for Maine (HOME) Program and Governing Program Funds Appropriated by this Act to the Maine State Housing Authority. (H. P. 2071) (L. D. 2012)

Comes from the House, Failed of Enactment.

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

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

Committee Reports

House

The following Ought Not to Pass reports shall be placed in the legislative files without further action pursuant to Rule 22 of the Joint Rules:

Bill, "An Act to Remove Winterville Plantation from the Maine Forestry District." (H. P. 1816) (L. D. 1801)

Bill, "An Act to Remove West Forks Plantation from the Maine Forestry District." (H. P. 1818) (L. D. 1803)

Ought to Pass

The Committee on Taxation on, Bill, "An Act to Remove Wallgrass Plantation from the Maine Forestry District." (H. P. 1796) (L. D. 1786)

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 Assigned for Second Reading later in today's session.

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

Communication Committee on Education

The Honorable Joseph Sewall

President of the Senate

State House

Augusta, Maine

Dear President Sewall:

The Committee on Education is pleased to report that it has completed all business placed before it by the Second Regular Session of the 110th Legislature.

Total number of Bills received	17
Unanimous Reports:	12
Ought to Pass	1
Ought Not to Pass	1
Leave to Withdraw	1
Referred to Another Committee	1
Ought to Pass as Amended	5
Ought to Pass in New Draft	3

Divided Reports 4
Carry-over Bill — Ought to Pass in New Draft 1

Above Bill recommitted — Divided
Respectfully submitted,
S/HOWARD M. TROTZKY
Senate Chairman

Which was Read and Ordered Placed on File.

Enactors

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

AN ACT to Remove Restrictions Preventing State Retirees from Receiving Certain Benefits. (H. P. 2260) (L. D. 2106)

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

AN ACT Concerning Maine Emergency Medical Services. (H. P. 2234) (L. D. 2092)

On motion by Senator Pierce of Kennebec, Tabled until later in today's session, pending Enactment.

AN ACT to Amend the Charter of the Lucerne-in-Maine Village Corporation. (H. P. 2257) (L. D. 2105)