

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

May 16, 1983 to June 24, 1983

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August 4, 1983

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Public Utilities, on BILL, "An Act to Provide for Citizen Participation in the Decision to Construct any Nuclear Power Plant" (S. P. 513) (L. D. 1537) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-161)

Which Report was Read and Accepted and the Bill Read Once. Committee Amendment "A" (S-161) was Read and Adopted.

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

Senator BALDACCI: Thank you, Mr. President. Members of the Senate, the purpose of this Bill was to originally provide for citizen participation in the decision to construct any nuclear power plant. The amendment, the committee amendment simplifies the findings to focus on the economic issues. Bear with me for just two minutes to read into the Record, "the Supreme Court unanimously upheld California's 1976 moratorium on nuclear power plant construction until a method is established for the disposal of spent fuel. Justice White in a majority opinion stated that the Atomic Energy Act of 1954 gives exclusive domain to the Federal government for the regulation of safety aspects, but does not prohibit the states from regulating on the basis of economics, land use, or need for electricity. The court accepts the California's assertion that its moratorium was based on concerns that the lack of storage programs may result in unpredictable future reactor cost or shut downs." A number of other states including Maine have enacted similar laws. Thank you Mr. President.

The Bill, as amended, Assigned for Second Reading later in today's session.

Senator CHARETTE for the Committee on Legal Affairs on BILL, "An Act to Define Connection under the Liquor Laws" (S. P. 557) (L. D. 1623) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-162)

Which Report was Read and Accepted. The Bill Read Once. Committee Amendment "A" (S-162) was Read and Adopted. The Bill, as Amended, Assigned for Second Reading later in today's session.

Ought to Pass in New Draft

Senator TRAFTON for the Committee on Judiciary on BILL, "An Act Relating to Penobscot Nation Trust Land Designation" (S. P. 82) (L. D. 193) Reported that the same Ought to Pass in New Draft under same title (S. P. 593) (L. D. 1713)

Which Report was Read and Accepted.

The Bill in New Draft Read Once.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that LD 1713 be given its Second Reading by Title Only?

It is a vote.

Under Suspension of the Rules, the Bill Read a Second Time.

The Chair recognizes the Senator from Penobscot.

Senator PEARSON: Mr. President, Men and Women of the Senate, I'd like to address this bill just for a second if I could. I would like to tell you what this is all about from my perspective. When the Indian Land Claims Settlement Act was passed there was a certain amount of time in which they could buy land as was provided under the Settlement Act. Because of market conditions and being neophytes at the whole process of purchasing land and hiring consultants, inflation and one thing or another they were not able to purchase all the land that was agreed to at the time they should purchase. They are trying the very best they can to do things as logically and sensibly as they possibly can for themselves and for their posterity. With that thought in mind and wanting to move cautiously and carefully so their children and their childrens children will be able to

have good real estate, thoughtfully done, they've asked for an extension. The extension was submitted to the Indian Tribal Commission for their advice as was provided for in the settlement. They came back with the suggestion that the Indians be given a five year extension. The Governor's Office, downstairs, refused. They said two years. I thought about it a long long time and I really never reached the conclusion that there ought to be a time extension on it anyway. But that surely five years was not unreasonable. The Penobscots have found themselves in the situation again of being squeezed by the Governor's Office. There is no way for them to move. And so I guess they have to acquiesce to this particular bill. But I want you to know as I have pointed out to you two or three times this year that they have not been in my opinion dealt with fairly.

The Bill was 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 Authorize Creation of a Housing Authority of the Houlton Band of Maliseet Indians. (S. P. 577) (L. D. 1656)

An Act to Require the Payment of Prejudgment Interest at Prevailing Market Rates on all Judgments, Dating from the Time of Written Notice to the Defendant of the Cause of Action. (H. P. 1257) (L. D. 1670)

An Act to Amend the State Employees Labor Relations Act. (H. P. 1263) (L. D. 1673)

An Act Amending the Charter of the Telephone Workers Credit Union of Maine. (H. P. 1219) (L. D. 1626)

An Act Concerning Representation of Small Businesses Appearing on Small Claims Court. (S. P. 576) (L. D. 1655)

An Act to Change the Workers' Compensation Law with Respect to Asbestosis. (H. P. 1262) (L. D. 1672)

An Act to Raise Per Diem Compensation for Active Retired Justices and Judges. (S. P. 153) (L. D. 555)

An Act Relating to Prison Visits. (H. P. 699) (L. D. 888)

An Act Concerning Inspection, Registration and Abandonment of Dams. (S. P. 404) (L. D. 1252)

An Act to Establish a Program for Therapeutic Use of Marijuana. (S. P. 351) (L. D. 1025)

An Act to Permit the Location of Manufactured Housing on Individual House Lots. (S. P. 475) (L. D. 1441)

An Act to Clarify the Election Laws. (H. P. 197) (L. D. 241)

An Act Relating to the Funding of School Construction Projects. (H. P. 1144) (L. D. 1516)

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 Making Appropriations and Allocations for the Expenditures of State Government to Insure that Maine Courts are Accessible to the Handicapped. (H. P. 753) (L. D. 984)

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

An Act to Provide Funds to an Elderly Legal Services Program. (H. P. 373) (L. D. 456)

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

An Act to Require the Department of Human Services to Conduct Demonstrations of Adult Day Care and Other Services through Long-term Care Facilities. (S. P. 499) (L. D. 1511)

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

An Act to Create a Fund to Encourage Local Soil and Water Conservation Projects. (S. P. 197) (L. D. 619)

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

An Act to Establish Advocacy Services for Special Education Students in Residential Placements. (H. P. 1127) (L. D. 1482)

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

Senator NAJARIAN: With regard to LD 1482 I move that this Bill be Indefinitely Postponed, the reason is that there is another bill LD 1265 which does the same thing only it does it better, and it is now in the engrossing stage. So that is the reason why I would like to have this Bill Indefinitely Postponed.

On motion by Senator Najarian of Cumberland, Indefinitely Postponed, in non-concurrence.

Sent down for concurrence.

An Act to Provide that Joint Custody be Awarded when the Parents Agree to it in Child Custody Cases. (H. P. 1243) (L. D. 1657)

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

Senator TRAFTON: Mr. President, I move that the Senate Reconsider its action whereby LD 1657 was Passed to be Engrossed.

The PRESIDENT: The Senator from Androscoggin, Senator Trafton moves that the Senate Reconsider its action whereby LD 1657 was Passed to be Engrossed.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President. If the Senator from Androscoggin, Senator Trafton, feels that this is the best way to put Amendment S-163 into operation I certainly am not going to stand in the way of it. I simply want to point out to the Senate and to the Senator from Androscoggin that the amendment that will be offered will have an appropriation figure of twenty-five hundred dollars on it. I have great fear that puts the original bill in jeopardy of Final Enactment. The original bill, itself, is my judgment a good measure. It is the result of, at least, 5 very strenuous sessions of the Judicial Committee, and although its accomplishment is modest it is an accomplishment, and one that could pass without any appropriation. I just ask that the Senate be aware of this and that the good Senator, also, be cognizant of the danger that might be created. I have no objection, at all, to the amendment as an item that might well pass, but I do have concern about what it does to the original Bill.

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

Senator TRAFTON: Thank you. I would like to thank the good Senator from Knox, Senator Collins, for raising his concern as to whether or not the Bill being amended might be jeopardized by the amendment. Let me say it's clearly not my intent to hamper the passage of L. D. 1657. L. D. 1657 "An Act to Provide that Joint Custody be Awarded when the Parents Agree to it in Child Custody Cases," was the product of many work sessions in the Joint Standing Committee on Judiciary. Another bill that was deemed to be a parallel bill with this L. D. has reached a snag down the other end of the hall, and it seemed to be the only way to move both bills along, by combining the two and putting the proposed study commission, which does in fact require appropriation of \$2500.00 as an amendment to the original bill.

I have the word of the leadership in the other body, that if in fact the Appropriation Committee sees the funding of this particular measure is not possible this particular amendment can be struck. In fact the Joint Standing Committee on Judiciary has as one of its top priorities an in-house committee study of this matter in the event that funding is not