

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

January 3, 1979 to May 4, 1979

Bill, "An Act to Amend the Excise Tax on Certain Pickup Trucks". (H. P. 763) (L. D. 943)
Comes from the House, referred to the Committee on Taxation and Ordered Printed.

Which were referred to the Committee on Taxation and Ordered Printed, in concurrence.

Bill, "An Act to Provide Amateur Radio Operators with Initial Plates at Reduced Costs". (H. P. 765) (L. D. 962)

Comes from the House, referred to the Committee on Transportation and Ordered Printed.

Which was referred to the Committee on Transportation and Ordered Printed, in concurrence.

Senate Papers

Senator Pierce of Kennebec presented, Bill, "An Act to Amend the Life Insurance Provisions Regarding Justices and Judges". (S. P. 345)

Which was referred to the Committee on Business Legislation and Ordered Printed.
Sent down for concurrence.

Senator Emerson of Penobscot presented, Bill, "An Act to Provide Additional Assistance to the County Law Libraries". (S. P. 344)

Which was referred to the Committee on Local and County Government and Ordered Printed.

Sent down for concurrence.

Orders

An Expression of Legislative Sentiment recognizing that:

The Gorham High School Rams, coached by George Stevenson, have, for the second straight year, won the State Class B Girls' Basketball Championship... (S. P. 341) is presented by Senator Usher of Cumberland cosponsored by Representative Brown of Gorham.

Which was Read and Passed.
Sent down for concurrence.

An Expression of Legislative Sentiment recognizing that:

The Hodgdon High Hawks are State Class C Girls' Basketball Champions for 1979, the first State C Champions from Eastern Maine... (S. P. 340) is presented by Senator Carpenter of Aroostook cosponsored by Representatives: Peltier of Houlton and Lougee of Island Falls.

Which was Read and Passed.
Sent down for concurrence.

An Expression of Legislative Sentiment recognizing that:

Mary Louise Giddings has shown outstanding and unselfish dedication to the people of Maine by her donations to various Maine institutions, including contributions to the Bangor Theological Seminary which made possible the creation of the Willard S. Bass Professorship in Christian Ethics, contributions to the University of Maine at Orono which made possible the creation of the Edwin L. Giddings Professorship of Forest Management and contributions to the Cancer Center Fund at Eastern Maine Medical Center where the new linear accelerator will be named in honor of Mr. and Mrs. Giddings... (S. P. 346) is presented by Senator Devoe of Penobscot.

Which was Read and Passed.
Sent down for concurrence.

An Expression of Legislative Sentiment recognizing that:

The Eastern Maine Medical Center Board of Trustees, recognizing Edward E. Rosen's outstanding generosity to the people of Maine, which includes the establishment of a renal dialysis program and a large donation to the special care unit for infants and children at that medical center, has voted unanimously to name the new cancer treatment center as the Edward E. Rosen Cancer Center... (S. P. 347) is presented by Senator Sewall of Penobscot.

Which was Read and Passed.
Sent down for concurrence.

On motion by Senator Carpenter of Aroostook,

ORDERED, the House concurring, that the Joint Rules be amended by striking out all of Joint Rule 35 and replacing it with the following:

35. Memorials. No memorial shall be in order for introduction unless approved by a majority vote of the Legislative Council; except that any memorial calling for a Constitutional Convention or making application for a change in the United States Constitution shall be referred to the appropriate joint standing committee for a public hearing, and upon being reported out to the appropriate House, shall require the consent of 2/3 of the members present and voting in each House for passage.

(S. P. 342)

Which was Read.

The Senator has the floor.

Senator CARPENTER: Mr. President and Members of the Senate. For the last couple of days, I have been working on an amendment, this amendment to Joint Rule 35, prior to the Legislative Leadership getting together and trying to find a way around this particular impasse. I would hope this order of mine proposing this amendment to the Rules, would be tabled so we could consider it a little bit further on, if we find ourselves in a situation, which is causing bad legislation or a situation, where the various members of the branches cannot agree.

On Motion by Senator Pierce of Kennebec, Tabled, 2 Legislative Days, pending passage.

On motion by Senator Pierce of Kennebec, ORDERED, the House concurring, that Bill, "An Act Relating to the Reporting of Illegal Use and Trafficking of Drugs in Maine Schools." S. P. 182, L. D. 412, be recalled from the legislative files to the Senate. (S. P. 343).

Which was Read.

On Motion by Senator Conley of Cumberland, Tabled until later in today's session, pending Passage.

Committee Reports

House

The following Ought Not to Pass report shall be placed in the Legislative Files without further action pursuant to Rule 22 of the Joint Rules:

Bill, "An Act Appropriating Funds to Move the Stanton Museum and its Collection from Bates College to the Maine State Museum". (H. P. 233) (L. D. 279)

Ought to Pass

The Committee on Business Legislation on, Bill, "An Act to Amend the Per Diem Rate for Persons Serving on the State Board of Nursing". (H. P. 354) (L. D. 450)

Reported that the same Ought to Pass.

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

The Committee on Legal Affairs on, Bill, "An Act Relating to the Wholesale Sale of Malt Liquor and Wine". (H. P. 315) (L. D. 421)

Reported that the same Ought to Pass.

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

Which Reports were Read and Accepted, in concurrence, and the Bills Read Once, and Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

The Committee on Local and County Government on, Bill, "An Act to Change the Date on Which the Annual Sessions of the County Commissioners are Held in Sagadahoc County". (H. P. 57) (L. D. 66)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-59).

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

The Committee on Public Utilities on, Bill, "An Act Increasing Borrowing Capacity of Mars Hill Utilities District and Extending the Time Which That District has to Take Over Mars Hill and Blaine Water Company". (Emergency) (H. P. 54) (L. D. 63)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-61).

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.

Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act to Revise the Service Charge for Local Vehicle Registration Agents". (H. P. 147) (L. D. 150)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-54)

Signed:

Senators:

EMERSON of Penobscot
USHER of Cumberland

Representatives:

BROWN of Mexico
CARROLL of Limerick
HUTCHING of Lincolnville
McPHERSON of Eliot
STROUT of Corinth
LOUGEE of Island Falls
HUNTER of Benton
McKEAN of Limestone
ELIAS of Madison

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

Signed:

Senator:

O'LEARY of Oxford

Representative:

JACQUES of Lewiston

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

Which Reports were Read, and the Majority Ought to Pass as amended, Report of the Committee Accepted, in concurrence. The Bill Read Once, Committee Amendment "A" Read and Adopted, in concurrence. The Bill, as amended, tomorrow assigned for Second Reading.

Divided Report

Six members of the Committee on Labor on Bill, "An Act to Increase the Minimum Wage to \$4 Per Hour". (H. P. 26) (L. D. 43)

Reported in Report A that the same Ought to Pass as amended by Committee Amendment "A" (H-48)

Signed:

Senator:

PRAY of Penobscot

Representatives:

TUTTLE of Sanford
BAKER of Portland
BEAULIEU of Portland
WYMAN of Pittsfield
MARTIN of Brunswick

Six members of the same Committee on the same subject matter Reported in Report B that the same Ought Not to Pass.

Signed:

Senators:

SUTTON of Oxford
LOVELL of York

Representatives:

LEWIS of Auburn

DEXTER of Kingfield
CUNNINGHAM of New Gloucester
FILLMORE of Freeport

One member of the same Committee on the same subject matter Reported in Report C that the same Ought to Pass.

Signed:
Representative:

McHENRY of Madawaska

Comes from the House, Report "C" Accepted, and the Bill Passed to be Engrossed. Which Reports were Read.

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

Senator PIERCE: Mr. President, I move that the Senate Accept Report "C".

The PRESIDENT: The Senator from Kennebec, Senator Pierce, moves that the Senate Accept Report "C".

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: 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 Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I would like to let the other members of the Senate know that the purpose of, Accepting Report "C", is for using this as a vehicle, in case any members of the Senate may have ideas that are different than what is on Report "C".

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

Senator PRAY: Mr. President, and Members of the Senate. To explain the 3 reports, for those of you who may not be aware of what the differences are.

Starting at the top with Report "A", with Committee Amendment "A" signed by the Majority of the members of the Committee, is a amendment to the Bill which would require a \$3.10 minimum wage effective October 1st of this year, that will precede the increase of the Federal Minimum Wage which will go in effect January 1, of next year to \$3.10. This is a procedure that we have done two of the last three times.

Report "B" speaks for itself.
Report "C", the original bill, calls for a \$4. minimum wage, with no ceiling. I should regress back to Report "A" at this time, that on Report "A" we also addressed the ceiling and we put the State Minimum Wage Ceiling at \$4, presently the State Minimum Wage, has a ceiling of \$3. If we do not increase that ceiling effective January 1, of next year when Federal Minimum Wage goes to \$3.10 State Minimum Wage will go to \$3. and stay there, so we have a complexity of issues here to discuss.

I think it should be understood that while there may be an amendment offered to Report "C", which could call for the process which we ran through a few years ago when we discussed minimum wage. I think there were a series of amendments at 5¢ increments, and I would hope we would not have to go through that this year, and I would hope the intent of the Assistant Majority Leader the good Senator from Kennebec, Senator Pierce, is not hoping the same route will follow suit tomorrow. I for one am going to support, Report "C", with the understanding hopefully we will in the end, end up with Report "A".

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is the Motion by the Senator from Kennebec, Senator Pierce that the Senate Accept Report "C", the

Ought to Pass Report.
A Yes vote will be in favor of Accepting Report "C".
A No vote will be opposed.
The Doorkeepers will secure the Chamber.
The Secretary will call the Roll.

ROLL CALL

YEA—Ault, Carpenter, Chapman, Clark, Collins, Conley, Cote, Devoe, Farley, Gill, Huber, Katz, Lovell, McBreaarty, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Silverman, Sutton, Teague, Trafton, Usher.

NAY—Emerson, Hichens, Trotzky.
ABSENT—Danton.

A Roll Call was had.
Senator Martin of Aroostook, was granted permission to change his vote from Nay to Yea. 28 Senators having voted in the affirmative and 3 Senators in the negative with 1 Senator being absent, the Motion to Accept Report "C" does prevail.

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

Senator PRAY: Under Suspension of the Rules, I move that we give this Bill its Second Reading at this Time.

The PRESIDENT: The Senator from Penobscot, Senator Pray, moves that the Rules be Suspended.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: I would ask for a Division.
The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: I withdraw my motion.

The PRESIDENT: The Senator from Penobscot, Senator Pray, requests Leave of the Senate to Withdraw his Motion to Suspend the Rules.

Is it the pleasure of the Senate to Grant this Leave?

It is a vote.
The Bill, Tomorrow Assigned for Second Reading.

(Off Record Remarks)

Senate Leave to Withdraw

Senator Huber for the Committee on Appropriations and Financial Affairs on, Bill, "An Act to Amend the Effective Date of Abolishing the Mental Health and Mental Retardation Improvement Fund". (Emergency) (S. P. 158) (L. D. 333)

Reported that the same be granted Leave to Withdraw.

Which Report was Read and Accepted.
Sent down for concurrence.

Ought to Pass — As Amended

Senator Redmond for the Committee on Fisheries and Wildlife on, Bill, "An Act to Test an Open Season on Moose for a One-Year Period". (S. P. 42) (L. D. 28)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-26)

On Motion by Senator Redmond of Somerset, Tabled for 1 Legislative Day, pending Acceptance of the Committee Report.

Second Readers

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

House

Bill, "An Act Relating to the Fiscal Year of Hospital Administrative District No. 4 in Piscataquis, Somerset and Penobscot Counties". (Emergency) (H. P. 337) (L. D. 436)

Bill, "An Act to Specifically Define what Constitutes a Law Enforcement Officer's Signal to a Motorist to Stop". (H. P. 189) (L. D. 239)

Bill, "An Act to Allow the Trustees of the

Portland Ministry at Large to Seek Changes in its Articles of Incorporation". (Emergency) (H. P. 253) (L. D. 298)

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

RESOLUTION, Proposing an Amendment to the Constitution to Provide for the Convening of the Legislature in January Instead of in December. (H. P. 1) (L. D. 7)

Which was Read a Second Time and Passed to be Engrossed, in non-concurrence.
Sent down for concurrence.

House — As Amended

Bill, "An Act to Authorize the Lease of Mental Health and Corrections' Facilities by other Agencies". (H. P. 179) (L. D. 220)

Bill, "An Act Relating to Eating, Lodging and Recreational Places Licensing Law". (H. P. 9) (L. D. 18)

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

Enactors

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

Emergency

An Act Converting Mount Chase Plantation into the Town of Mount Chase. (H. P. 638) (L. D. 764)

Emergency

An Act to Increase the Limit on Bonded Indebtedness of the Eastport Port Authority From \$500,000 to \$6,000,000. (H. P. 108) (L. D. 137)

These being emergency measures and having received the affirmative votes of 27 members of the Senate, were Passed to be Enacted, and having been signed by the President, were by the Secretary presented to the Governor for his approval.

Orders of the Day

The President laid before the Senate the First Tabled and specially assigned matter:

House Reports — from the Committee on Labor — Bill, "An Act to Require Personnel Files to Include Medical Records and Nurses' Station Notes." (H. P. 139) (L. D. 158) Majority Report — Ought to Pass as Amended by Committee Amendment "A" (H-41); Minority Report — Ought Not to Pass

Tabled—March 5, 1979 by Senator Katz of Kennebec

Pending—Acceptance of Either Report
On Motion by Senator Katz of Kennebec, Retabled for 3 Legislative Days.

The President laid before the Senate the Second Tabled, and specially assigned matter:

House Reports — from the Committee on State Government — Resolution, Proposing an Amendment to the Constitution of Maine to Limit the Purposes for the Meeting of the First Regular Session of the Legislature during December to Election of Constitutional Officers and Legislative Officers and to Provide for Senate Apportionment in 1983. (H. P. 288) (L. D. 348) Majority Report—Ought Not to Pass; Minority Report—Ought to Pass

Tabled—March 7, 1979 by Senator Ault of Kennebec

Pending—Acceptance of Either Report
On Motion by Senator Pierce of Kennebec, Retabled for 1 Legislative Day.

The President laid before the Senate the Third Tabled and specially assigned matter:

Senate Report—from the Committee on Local and County Government—Bill, "An Act Relating to the Court of Probate of Aroostook County." (S. P. 144) (L. D. 320) Ought to Pass

Tabled—March 7, 1979 by Senator Emerson of Penobscot

Pending—Acceptance of Report