

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

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FOURTH CONFIRMATION SESSION

(FIRST CONFIRMATION SESSION – SECOND REGULAR SESSION)

May 31, 1984

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THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

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terday and the sponsor of the measure is a person with whom I have spoken to about this measure well over a month ago, and at that time I expressed my reservations because there was a curtain dropped on what had been, following the licensure law passage of psychologists in the State, a curtain drop on the grandparenting provision.

I have talked with the individual involved who seeks to create a new window through which he will be able to take the licensing exam. It is my understanding that his petition to take the exam is currently in the appeal process and that appeal process should be culminated, as I understand it, next week. I've also, in my conversation with this individual, indicated that there are three avenues for him to address the issue which is contained in L. D. 2362, and he seemed to accept that yesterday, following our communication in the back of this Chamber.

I understand the Oath of Office to which the good Senator from York referred to last evening in his remarks, and I've explained to that good Senator in conversation this morning, the position that I have taken as Chair of the Joint Standing Committee on Business Legislation. I do not think it is appropriate of this Body or this Legislature to intervene in what is currently a Board process with an appeal pending before it. I would welcome this Bill should that appeal not be determined in favor of the appellant in the 112th Maine Legislature, and I would hope that we would not support the motion to Recede and Concur this afternoon.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Bustin.

SENATOR BUSTIN: Mr. President and Ladies and Gentlemen of the Senate, if that's the case then I would think that if somebody would do me the favor of tabling this until such time as that appeal is held, then perhaps we could solve the problem that way. The man in question apparently, and I have not met him, I do not know him, works at A.M.H.I. and is a Ph.D. It seems to me it's ludicrous that he isn't able to take a psychologist exam, but nevertheless, that's something that should be decided, so I would appreciate somebody making a tabling motion for me.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Clark.

SENATOR CLARK: Thank you, Mr. President. Men and Women of the Senate, I apologize for speaking again, but we have to make a correction of the Record.

The person in question for which the focus of this Bill is currently under examination is not a Ph.D., he has a Doctorate in Education and that is distinctly different from a Ph.D.

On motion by Senator CARPENTER of Aroostook, TABLED for 1 legislative Day, pending the motion of the Senator from Penobscot, Senator PRAY to RECEDE and CONCUR.

Non-concurrent Matter

Bill "An Act to License Occupational Therapists" S. P. 837 L. D. 2243

In Senate March 22, 1984 PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-331) in NON-CONCURRENCE.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-331) and HOUSE AMENDMENT "B" (H-661) in NON-CONCURRENCE.

THE PRESIDENT: Is it the pleasure of the Senate to RECEDE and CONCUR with the House?

It is a vote.

Non-concurrent Matter

Bill "An Act to Increase the Minimum Wage to \$3.55" S. P. 835 L. D. 2236

In Senate Referred to the Committee on LABOR and ORDERED PRINTED.

Comes from the House Bill and Accompanying Papers INDEFINITELY POSTPONED in

NON-CONCURRENCE.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Clark.

SENATOR CLARK: Thank you, Mr. President. I move that the Senate Recede and Concur.

THE PRESIDENT: The Senator from Cumberland, Senator Clark, moves that the Senate Recede and Concur.

The Chair recognizes the Senator from York, Senator Dutremble.

SENATOR DUTREMBLE: Mr. President, I request a Division.

THE PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion of the Senator from Cumberland, Senator Clark, to Recede and Concur, please rise and remain standing until counted.

Will all those Senators opposed, please rise and remain standing until counted.

The Chair recognizes the Senator from Knox, Senator Collins.

SENATOR COLLINS: 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 York, Senator Wood.

SENATOR WOOD: Mr. President, Men and Women of the Senate. I rise again today sort of as the keeper of the institution down here. I would urge you not to Recede and Concur. I think that rules are developed for the efficient and the smooth operation of a Body. They are also developed for a civilizing effect, just sort of to smooth over the rough edges that many of us have when we come into this Body.

When we take those very rules that are intended to be for efficiency and use them to circumvent the process, I think we destroy the process. I think that when you circumvent the rules you are sending a message out that somehow: we are fearful of public input; we are afraid of raising an issue; we are fearful of knowledge about a problem; we would prefer not to deal with it, not to be bothered with it, not to let the public have their say. I think that that is the message which will eventually lead to the doom and destruction of democracy, because democracy is about learning and knowledge, and hearing and listening to people. It's not about closing those people out.

There are a hundred thousand people in this State that work for the minimum wage. We are lucky, I can't imagine any of the thirty-three in here work for the minimum wage, so we don't know what that's like. And, probably of that hundred thousand people, few will even make the trip to Augusta because they can't afford to come to that public hearing. But, we have told them that we don't care because we're going to kill it on a technicality, we're not going to let them come and tell their feelings.

So, I would urge you to think about those hundred thousand people. Now, we're going to be having a bill in here on tax conformity, which I've worked on in the next few days, I don't think there'll be anyone wanting to kill that on reference. We're going to be having a bill to deal with a tax issue with one of the major airlines in this State. No one will want to kill that on reference, because those people are here all the time and those people are powerful, but when it comes to the hundred thousand, those people that have to work for a living, we can do away with the niceties and just kill it on reference.

When we were elected to this office and we swore to uphold the Constitution, we knew that the choices would be difficult, we knew

that the hours would be long and we knew sometimes there would be some heat in it. You can't take that away. That's the name of the game. But now we have decided to impose a higher standard, that on certain issues that we really don't want to deal with, we'll go back home and say "Well, we kill it on a technicality, so we really never dealt with the issue."

You know, President Truman had a thing about the buck stops here, well, the buck stops here. We can't hide behind rules, we can't hide behind regulations. We have to go and face those voters and today I would urge you, in the name of good government, to give this bill a hearing, because I will warn you, that the monster that we're creating here about reference will come back to haunt you and someday it's going to be one of your bills that you care about deeply and someone will move to kill it on reference and where will you stand?

THE PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator York, Senator Hichens.

SENATOR HICHENS: Mr. President and Members of the Senate. Yesterday and the day previous, I sat here and listened to the impassioned plea of our good Senator from York, Senator Wood, where he said that we weren't being fair not letting these bills go to hearing, and I more or less agreed with him, until yesterday afternoon when I went up into the crowded Taxation room where there were over fifty people gathered to speak on a bill. They were limited to one-half hours time and one man who came one hundred and twenty miles was refused the opportunity to speak because there were three others who spoke ahead of him. And, he said "What's the use of coming all the way down here if we're not going to be heard?"

Following that there was another bill heard relating to increasing the taxing of motels and hotels. And again, there was a very limited time with a crowded room and people afterwards came up to me and said "What's the use of coming if we can't be heard?" Well now, if that procedure is going to be carried on, what's the use of sending the bill to committee for hearing anyway?"

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

SENATOR NAJARIAN: Mr. President and Members of the Senate. I have been voting in the past to Indefinitely Postpone some of the bills that have come before us in these late days, and Senator Wood, I guess, spoke yesterday about honoring the process and that's what I've been trying to do.

We've had cloture, the second cloture was December 14th, and since that time, last week, we've had eighty bills after deadline. Now, I understand some bills are of an emergency nature and have to come in late, but there are a lot of bills such as to raise the drinking age to twenty-one, I'd support that, I didn't vote against that because I was afraid to, afraid of my constituents, I'd support raising it even higher. I voted against it because that bill required changing two numbers in the statute and we didn't get it until this week.

This bill, however, to increase the minimum wage was a carry-over from the committee. It's been before the Legislature since the beginning of this Session, it want's until late in the Session that the Speaker ruled that the bill was not properly before the Legislature and this is another draft. There is a legitimate reason for this one being late and I'll support any bill that has a legitimate reason for being late. But, with cloture December 14th, bills still coming in here day after day, being lectured day after day to get bills out of Committee, at the same time that they are referring bills to Committee, it's just too incongruent for me to accept, so from here on, I'm honoring the process. If a bill has a legitimate reason to be let in as an emergency, I'll vote to let it in. If it isn't, I'll vote to Indefi-

nitely Postpone.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

SENATOR MINKOWSKY: Mr. President, I feel it's of paramount importance to express a point of view this afternoon on the Floor of the Senate, and I guess it was predicated on a remark by the good Senator from York regarding honoring the process, and maybe that the Senators should have the courage and the convictions and not be fearful.

I can assure you, Ladies and Gentlemen of the Senate, the Senator that's been sitting in this Chamber for the past seventeen years does not display any fear relevant to this particular issue or any other issue. This Senator has not been influenced nor will he be influenced by Maine's Labor Unions in making this decision. This is a free will choice.

The reason why I am voting along with Senator Dutremble is I feel the economic conditions of this State have changed since we last voted on this issue and I feel that it is of significant value that the public hearing take place, so that I can be in tune with what everybody is saying, not just a special interest or the vested interests groups in this State.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Wood.

SENATOR WOOD: Mr. President and Men and Women of the Senate. Just to clarify the issue that the good Senator from York raised. Those people did have a chance to testify, unfortunately, I do not set the schedule for the Session coming back in, we had a hearing starting at 1:30, the House had gotten out at 12:30-12:45, many people on my Committee had not eaten, we had to come back at 4:00. Under those time constraints and the rules do not allow you to continue a public hearing once you are in session, I had to make some decisions. I made the decision to limit the debate, I also took the liberty of informing all those people to please chat with us as we were leaving the hearing, as we took recesses, and also to send letters. I think that their side was amply represented by the quality of the speakers that spoke. I would have been willing to set there all night and hear the testimony, but unfortunately, I was not allowed to.

THE PRESIDENT: Is the Senate ready for the question? The question before the Senate is the motion of the Senator from Cumberland, Senator Clark, that the Senate Recede and Concur with the House.

A Roll Call has been ordered.

The Chair recognizes the Senator from Penobscot, Senator Pearson.

SENATOR PEARSON: Mr. President, I wish permission to pair my vote with the Senator from Somerset, Senator Teague. If he were here he would be voting Yea and I would be voting Nay.

THE PRESIDENT: The Senator from Penobscot, Senator Pearson, requests Leave of the Senate to pair his vote with the Senator from Somerset, Senator Teague. If he were here he would be voting Yea and the Senator from Penobscot, Senator Pearson would be voting Nay.

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

It is a vote.

The Chair will restate the question. If you are in favor of the motion to Recede and Concur with the House, you will vote yes and if you are opposed you will vote no.

The Doorkeepers will secure the Chamber.

The Secretary will call the roll.

ROLL CALL

YEAS—Senators, Charette, Clark, Collins, Emerson, Gill, Hichens, Perkins, Redmond, Sewall, Trafton, Twitchell.

NAYS—Senators, Baldacci, Brown, Bustin, Carpenter, Danton, Diamond, Dow, Dutremble, Erwin, Hayes, Kany, McBreairty, Minkowsky, Najarian, Pray, Shute, Usher, Violette, Wood, The President—Gerard P. Conley.

ABSENT—None.

11 Senators having voted in the affirmative and 20 Senators having voted in the negative, with 2 Senators having Paired their votes, and No Senators being absent, the motion to RECEDE and CONCUR with the House FAILED.

THE PRESIDENT: Is it now the pleasure of the Senate that the Senate ADHERE?

It is a vote.

Out of order and under suspension of the rules, the Senate voted to consider the following:

ORDER

Joint Order

On motion by Senator PRAY of Penobscot, the following Joint Order: S. P. 894

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, April 3, 1984 at 9:00 o'clock in the morning.

Which was READ and PASSED.

Sent down forthwith for concurrence.

Non-concurrent Matter

Bill "An Act to Permit Public Service In Lieu of Fines for Indigent Offenders Under the Drunk Driving Law" H. P. 1427 L. D. 1872

In House March 27, 1984 Bill and Accompanying Papers INDEFINITELY POSTPONED.

In Senate March 29, 1984 the Majority Ought to Pass as Amended by Committee Amendment "A" (H-350) Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-350) in NON-CONCURRENCE.

Comes from the House that Body INSISTED and asked for a COMMITTEE OF CONFERENCE.

On motion by Senator CARPENTER of Aroostook, the Senate voted to INSIST and JOIN IN A COMMITTEE OF CONFERENCE with the House.

Non-concurrent Matter

Bill "An Act to Amend the Maine Consumer Credit Code" S. P. 762 L. D. 2070

In Senate March 27, 1984 PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-336).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-336) AND HOUSE AMENDMENT "A" (H-617) in NON-CONCURRENCE.

THE PRESIDENT: Is it the pleasure of the Senate to RECEDE and CONCUR with the House?

It is a vote.

Non-concurrent Matter

Bill "An Act to Place Limitations on the Contributions which Candidates may Receive from Political Action Committees" H. P. 1785 L. D. 2351

In House March 27, 1984 Referred to the Committee on ELECTION LAWS and ORDERED PRINTED.

In Senate March 27, 1984 Bill and Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

Comes from the House that Body ADHERED.

On motion by Senator PEARSON of Penobscot, the Senate RECEDED and CONCURRED with the House.

Non-concurrent Matter

Resolve, Authorizing the Exchange of Certain Public Reserved Lands. S. P. 810 L. D. 2168

In Senate March 27, 1984 PASSED TO BE ENGROSSED.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-619) in NON-CONCURRENCE.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Kany.

SENATOR KANY: Thank you, Mr. President. I

move we Recede and Concur.

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

On motion by Senator PRAY of Penobscot, TABLED for 2 Legislative Days, pending the motion of the Senator from Kennebec, Senator KANY to RECEDE and CONCUR.

COMMUNICATIONS

The Following Communication:

State of Maine
House of Representatives

March 29, 1984

Honorable Joy J. O'Brien

Secretary of the Senate

111th Legislature

Augusta, Maine 04333

Dear Madam Secretary:

The House voted today to adhere to its former action whereby it Failed to Engross Bill "An Act Providing for Change of Venue in Criminal Cases" (S. P. 658) (L. D. 1848) (C. "A" S-334).

Sincerely,

S/ EDWIN H. PERT

Clerk of the House

Which was READ and ORDERED PLACED ON FILE.

ORDER

Joint Resolution

On motion by Senator CLARK of Cumberland, (Cosponsors: Representative KIESMAN of Fryeburg, Representative DAGGETT of Manchester, Representative CALLAHAN of Mechanic Falls), the following Joint Resolution: S. P. 888

JOINT RESOLUTION IN TRIBUTE TO THE GRANGE

WHEREAS, the Grange was conceived in 1867, as an organization of agricultural people who were mutually resolved to labor for the good of the order, the country and mankind; and

WHEREAS, united by the strong sense and faithful tie of an agricultural fraternity, the Grange has established programs of fellowship, service and member activities to meet the needs of all people, rural and suburban; and

WHEREAS, this agricultural family fraternity has constantly strived to secure harmony, goodwill and brotherhood and provide opportunity to participate at the local, state and national levels in a meaningful way; and

WHEREAS, in growing for the future, the Grange fills a great community need across the nation, whereby men and women regardless of age become aware of and influence issues of importance, thus serve themselves, their community and nation through public leadership; and

WHEREAS, on November 12, 1984, the National Grange will assemble for fellowship, discussions and formulation of policies on current issues at Portland, Maine, with our 7,000 delegates expected to attend; now, therefore, be it

RESOLVED: That We, the Members of the 111th Legislature of the great and sovereign State of Maine now assembled in Second Regular Session, take this opportunity to pay tribute to the county, state and National Grange and to their outstanding work for the well-being of all citizens, and express our hope and support for continued growth and success of the organization for the future; and be it further

RESOLVED: That a suitable copy of this Joint Resolution be prepared and appropriately presented in welcome to the National Grange at Portland and to each of the 294 granges located within this State in token of this tribute and our profound appreciation.

Which was READ and ADOPTED.

Sent down for concurrence.

COMMITTEE REPORTS House