

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

INDEX

FOURTH SPECIAL SESSION

April 28, 1982 and April 29, 1982

INDEX

FIFTH SPECIAL SESSION

May 13, 1982

INDEX

SECOND CONFIRMATION SESSION

July 16, 1982

INDEX

Passed to be Engrossed, in concurrence.
Sent forthwith to the Engrossing Department.

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

**Paper From the House
Joint Resolution
State of Maine**

In the Year of Our Lord Nineteen Hundred and Eighty-Two

**JOINT RESOLUTION CONCERNING
DISPLAY OF THE MAINE
MEDAL FOR HONORABLE SERVICE
IN THE MEMORIAL AMPHITHEATER
OF ARLINGTON NATIONAL CEMETERY**

WHEREAS, thousands of men and women of the State of Maine have served their State and Nation faithfully and unselfishly in time of strife; and

WHEREAS, these men and women of the armed services have shown great patriotism, loyalty and devotion to duty to Maine and the United States of America; and

WHEREAS, many of these citizens of our State sacrificed their lives so that we as a people and a nation might live in freedom, justice and peace; and

WHEREAS, it is fitting that those who fought for their State and Nation be recognized for their honorable service; now, therefore be it.

RESOLVED: That the Legislature of the State of Maine authorizes that the highest state award, the Maine Medal for Honorable Service, be displayed with the awards of the other states of the Union in the Memorial Amphitheater at Arlington National Cemetery, in dedication to and in honor of these citizens of the State of Maine who have given so much to their State and their country; and be it further

RESOLVED: That a suitable copy of this resolution be prepared for display in the Memorial Amphitheater. (H. P. 2435)

Comes from the House, Read and Adopted.
Which was Read and Adopted, in concurrence.

**Committee Report
House
Ought to Pass**

The Committee on Business Legislation on, Bill, "An Act to Adjust Fees for Licenses Issued by the Real Estate Commission." (Emergency) (H. P. 2419) (L. D. 2151)

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. Under Suspension of the Rules, the Bill Read a Second Time and Passed to be Engrossed, in concurrence.

Sent forthwith to the Engrossing Department.

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

**Paper From the House
House Paper**

Bill, "An Act to Amend the Banking Code to Correct an Omission Regarding the Deposit Authority of Thrift Institutions." (Emergency) (H. P. 2430) (L. D. 2156)

Reference to the Committee on Business Legislation suggested.

Comes from the House, Passed to be Engrossed without reference to Committee and Ordered Printed.

The PRESIDENT: Is it the pleasure of the Senate that under Suspension of the Rules this Bill be given its First Reading at this Time without Reference to a Committee?

It is a vote.

Under Suspension of the Rules, the Bill Read

Twice and Passed to be Engrossed, without Reference to Committee, and Ordered Printed, in concurrence.

Sent forthwith to the Engrossing Department.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Teague.

Senator TEAGUE: Mr. President, is the Senate in possession of LD 1904?

The PRESIDENT: The Chair would answer in the affirmative, the

RESOLVE, Authorizing the Maine Forest Service to Convey by Bid Sale of the State's Interest in Certain Real Estate in the Maine Forestry District and to Use the Proceeds for Energy-saving Improvements to Other Existing Fire Control Buildings. (H. P. 1922) (L. D. 1904) having been recalled from Legislative Files Pursuant to Joint Order H. P. 2417.

Senator TEAGUE: Mr. President, I move that we would Recede and Concur and would speak briefly.

The PRESIDENT: The Senator has the floor.

Senator TEAGUE: This Resolve was killed on the Appropriations Table in the last days of our session, the Resolve, authorized the Maine Forest Service to Convey by Bid Sale of the State's Interest in Certain Real Estate in the Maine Forestry District and to Use the Proceeds for energy-saving Improvements to Other Existing Fire Control Buildings.

The Committee Amendment, which was unanimous, when it came out of Committee, these buildings that were going to be sold were all located in the unorganized territory. All the money would have to be used in the unorganized territory to put in energy-saving improvements in that area. Thank you.

The PRESIDENT: Is it now the pleasure of the Senate to Recede and Concur with the House?

It is a vote.

On motion by Senator Collins of Knox, Receded until the sound of the Bell.

Recess

After Recess

The Senate called to order by the President.

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

Order

An Expression of Legislative Sentiment recognizing:

Gerald C. Tipper, of Waterville, winner of the Boys' Clubs of America Bronze Keystone Award for Exceptional service. (S. P. 1029)

presented by Senator PIERCE of Kennebec (Cosponsors: Representative FITZGERALD of Waterville, Representative KANY of Waterville and Representative JACQUES of Waterville).

Which was Read and Passed.

Sent down forthwith for concurrence.

**Committee Report
House
Ought to Pass**

The Committee on State Government on, Bill, "An Act to Designate the Director of the Bureau of Medical Services as a Major Policy-influencing Position Within the Department of Human Services." (H. P. 2420) (L. D. 2152)

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. Under Suspension of the Rules, the Bill Read a Second Time Passed to be Engrossed, in concurrence.

Sent forthwith to the Engrossing Department.

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

**Papers From the House
Joint Orders**

Expressions of Legislative Sentiment recognizing:

Lynn Wunderlich, daughter of Mr. and Mrs. Robert Wunderlich of Limestone, who has been chosen Salutatorian of the 1982 graduating class of Limestone High School. (H. P. 2431)

Nettie Winchenbach, of Waldoboro, who will celebrate the 90th anniversary of her birth on June 13, 1982. (H. P. 2432)

Michael Levasseur, valedictorian, and Michelle Bouchard, salutatorian, of the 1982 graduating class of Van Buren District High School, S.A.D. #24. (H. P. 2434)

Ginger Lord, of Winslow, who won the 97-pound title at the Women's World Powerlifting Championships in Birmingham, England. (H. P. 2436)

Sherry DeRosby, of Mechanic Falls, or heroism in saving a child from drowning. (H. P. 2438)

William Howes, who has been named to the Class C Basketball All-Maine Third Team. (H. P. 2439)

Michele Nelson, who has been named Miss Greater Lincoln for 1982. (H. P. 2440)

Betty Ordway, of East Millinocket, who is retiring after 19 years as secretary to the selectmen. (H. P. 2441)

Mr. and Mrs. Dewey Winchenback, of Waldoboro, who recently celebrated their 65th wedding anniversary. (H. P. 2433)

Come from the House, Read and Passed.

Which was Read and Passed, in concurrence.

On motion by Senator Collins of Knox, Receded until the sound of the Bell.

Recess

After Recess

The Senate called to order by the President.

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

Enactors

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

AN ACT to Authorize the State Director of Public Improvements to Lease a Certain Parcel of Land to the Augusta Sanitary District. (S. P. 1010) (L. D. 2150)

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

AN ACT to Create an Excise Tax on Mining Companies and Regulate Mining Activities. (H. P. 2428) (L. D. 2155)

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

Senator EMERSON: Mr. President Ladies and Gentlemen: earlier today I read into the record a statement containing a reference to a study regarding possible need for constitutional amendments to the tree growth law. The purpose of the study is to determine a need for such amendments. There has not been a determination made by the Committee of any action necessary.

The PRESIDENT: Pursuant to Article 5, part 1, section 8, of the Constitution of the State of Maine, Enactment of this Bill requires an affirmative vote of two-thirds of the members of each House.

The Chair will order a Division.

Will all those Senators in favor of Passage of LD 2155, please rise in their places to be counted.

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

26 Senators having voted in the affirmative.

and 1 Senator having voted in the negative, and 26 being more than two-thirds of the membership of the Senate, LD 2155 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 to Amend the Banking Code to Correct an Omission Regarding the Deposit Authority of Thrift Institutions. (H. P. 2430) (L. D. 2156)

Emergency

AN ACT to Fund and Implement Certain Collective Bargaining Agreements and Benefits for Other State and Judicial Employees. (H. P. 2421) (L. D. 2153)

Emergency

AN ACT to Adjust Fees for Licenses Issue by the Real Estate Commission. (H. P. 2419) (L. D. 2151)

Emergency

AN ACT to Designate the Director of the Bureau of Medical Services as a Major Policy-influencing Position Within the Department of Human Services. (H. P. 2420) (L. D. 2152)

These being emergency measures and having received the affirmative votes of 27 Members of the Senate, with No Senators having voted in the negative, were Passed to be Enacted and having been signed by the President, were by the Secretary presented to the Governor for his approval.

Emergency

RESOLVE, Adjusting the Authorized Expenditures of Cumberland County for the Year 1982. (H. P. 2422) (L. D. 2154)

This being an emergency measure and having received the affirmative votes of 26 Members of the Senate, with No Senators having voted in the negative, was Finally Passed and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Senator Pray of Penobscot was granted unanimous consent to address the Senate, On the Record.

Senator PRAY: Thank you, Mr. President. Mr. President and Members of the Senate, in just a few moments we will be addressing the next supplement which deals with a Joint Resolution memorializing the President and Congress of the United States to refrain from reductions in the Social Security benefits.

I noticed in today's Bangor Daily that there is a story in the headlines in reference to Congressman Emery taking a position of opposing the President on Social Security cuts. We in this State have a number of citizens who are elderly. We have 178,000 receiving Social Security benefits, and 160,000 of those only income are Social Security benefits.

We in this State have taken care of our elderly in the recent session of those who deal with the, on our State retirement system. We have given them an increase. In Washington, there is an attempt to address, to delay the implementation of the July increases.

The next issue is a Resolution of this Legislature taking a position to show our legislative delegations in Washington that we, as members of the 110th Legislature, feel and are concerned of the possible detrimental effects any type of delay or reduction to the tune of \$40,000,000,000 would have on the elderly in this State.

Congresswoman Snowe has already expressed her opposition to this cut. I think to confirm the entire delegation, of which Senator Mitchell has already stated his opposition, it is only left now that Senator Cohen, who has not clearly stated his position in opposition to it.

Such a memorial would give us the opportunity to express the concerns of Maine's elderly. It's going to require a Suspension of the Rules, which thus requires a two-thirds vote. It

will be my intention of asking for a Roll Call, not upon the political purposes of putting one side against the other. The intent is clearly to express a legislative sentiment as we have done on a number of other occasions that we assessed to be of a sufficient value for the benefit and the betterment of Maine people.

I would hope that when that motion is made to Suspend the Rules, that it would be done unanimously, and that we can express our concerns for Maine's elderly at that time. This is perhaps the last issue that we'll deal with tonight, and I think that it's a rather important issue and perhaps would be a great way to end this one day special session, in a reflection upon the concerns of those who are most vulnerable to inflation and the economic conditions of our time. Thank you, Mr. President.

The PRESIDENT: Is it the pleasure of the Senate to Suspend its Rules, in order to take up Supplement #17.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, I object to Suspension of the Rules on this matter.

The PRESIDENT: 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 pending question before the Senate is the motion to Suspend the Rules.

A Yes vote will be in favor of Suspending the Rules.

A No vote will be opposed.
The Doorkeepers will secure the Chamber.
The Secretary will call the Roll.

ROLL CALL

YEA—Brown, Bustin, Carpenter, Charette, Clark, Dutremble, Gill, Minkowsky, Najarian, Pray, Trafton, Usher, Violette, Wood.

NAY—Ault, Collins, Emerson, Hichens, Huber, Perkins, Pierce, Redmond, Sewall, C.; Shute, Sutton, Teague, Trotzky, The President J. Sewall.

ABSENT—Conley, Devoe, Kerry, McBreairty, O'Leary.

A Roll Call was had.
14 Senators having voted in the affirmative and 14 Senators in the negative, with 5 Senators being absent, the Rules are not Suspended.

Out of Order and Under Suspension of the Rules: On motion by Senator Collins of Knox, ORDERED, that a message be sent to the House of Representatives informing that Body that the Senate has transacted all the business which has come before it and is ready to Adjourn Without Day.

Which was Read and Passed.
The President appointed Senator Collins of Knox, to convey the message to the House of Representatives. The Senator then retired to the Hall of the House, and subsequently reported that he had delivered the message with which he was charged.

Out of Order and Under Suspension of the Rules:

On motion by Senator Pray of Penobscot, ORDERED, that a message be sent to His Excellency, the Governor, informing him that the Senate has transacted all the business which has come before it and is ready to Adjourn Without Day.

Which was Read and Passed.
The President appointed Senator Pray of Penobscot to convey the message to His Excellency the Governor.

Subsequently, Senator Pray of Penobscot reported that he had delivered the message with which he was charged.

(Senate at Ease)

The Senate called to order by the President.

The Sergeant-at-Arms escorted the Governor of Maine, the Honorable Joseph E. Brennan, to the rostrum. (Amid the applause of the Senate the members rising)

The PRESIDENT: His Excellency, Governor Joseph E. Brennan.

GOVERNOR BRENNAN: Thank you very much. Ladies and Gentlemen of the Senate, I want to thank you for the prompt disposition of the matters before you. I know that the pay raise bill will mean a lot to the morale of our State workers.

I, also, want to thank you for the activities throughout the session. I believe there have been a lot of achievements in housing, human services, economic development, public safety, protection from child abuse, and the like.

I think you can leave this session with a great deal of pride in what has taken place. I want to wish you well. Many of us may not be so well when we meet again. Some of us may be lame ducks, or dead ducks, or whatever. I hope you have a nice summer. Thank you very much.

The Sergeant-at-Arms escorted the Honorable Joseph E. Brennan, the Governor of Maine from the Senate Chamber. (Amid the applause of the Senate, the members rising.)

The PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: Mr. President, I now move that the Senate Adjourn Sine Die.

On motion by Senator Hichens of York, at 7:45 p.m. on Thursday, May 13, 1982, the Honorable Joseph Sewall declared the Senate of the Fifth Special Session of the 110th Legislature, Adjourned Sine Die.