

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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FIFTH CONFIRMATION SESSION

(SECOND CONFIRMATION SESSION – SECOND REGULAR SESSION)

July 11, 1984

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THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

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from the Senator from Penobscot, Senator Pray, that the rules be suspended.

Is this the pleasure of the Senate?

SENATOR WOOD: Mr. President, I object.

THE PRESIDENT: There is an objection.

Which was referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED.

Sent down for concurrence.

ORDERS OF THE DAY

The President laid before the Senate:

SENATE REPORT—from the Committee on PUBLIC UTILITIES on Bill "An Act Regarding Franchising and Regulation of Cable Television Systems" S. P. 745 L. D. 2048

Report—Ought to Pass in New Draft under same title. S. P. 903 L. D. 2423

Tabled—April 6, 1984 by Senator BALDACCI of Penobscot.

Pending—ACCEPTANCE OF COMMITTEE REPORT.

(In Senate April 6, 1984 report READ)

On motion by Senator PRAY of Penobscot, RETABLED for 1 Legislative Day, pending ACCEPTANCE OF COMMITTEE REPORT.

The President laid before the Senate:

Bill "An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Laws" S. P. 899 L. D. 2417

Tabled—April 6, 1984 by Senator CARPENTER of Aroostook.

Pending—PASSAGE TO BE ENGROSSED.

(In Senate April 6, 1984 the Ought to Pass in New Draft report READ and ACCEPTED and Under Suspension of the Rules the New Draft READ TWICE)

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

SENATOR DIAMOND: Mr. President and Ladies and Gentlemen of the Senate, we have a technical amendment that has to be put on this for a date change and a couple other typos and I would ask that someone might Table it for 1 Legislative Day.

On motion by Senator CARPENTER of Aroostook, RETABLED for 1 Legislative Day, pending PASSAGE TO BE ENGROSSED.

The President laid before the Senate:

Bill "An Act to Establish Standards and a Policy for the Compensation of Members of Boards, Commissions and Similar Organizations" H. P. 1807 L. D. 2389

Tabled—April 6, 1984 by Senator PRAY of Penobscot.

Pending—PASSAGE TO BE ENGROSSED.

(In House April 3, 1984 PASSED TO BE ENGROSSED)

(In Senate April 6, 1984 RECONSIDERED ENGROSSMENT)

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

SENATOR PRAY: Mr. President, it is my understanding we're waiting for a couple of amendments on this Bill and where the Presiding Officer has mentioned that this Session would not last too late into the afternoon, I would request that somebody Table this until later in today's session, pending the arrival of those amendments.

On motion by Senator VIOLETTE of Aroostook, RETABLED until later in today's session, pending PASSAGE TO BE ENGROSSED.

SENATE AT EASE

The Senate called to order by the President.

Senator CLARK of Cumberland moved the Senate RECONSIDER its action of earlier in today's session whereby it RECEDED and CONCURRED with the House on:

Bill "An Act Relating to Alcohol-related Birth Defects" S. P. 880 L. D. 2384

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

SENATOR BUSTIN: I ask for a Division.

THE PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by Senator CLARK of Cumberland that the Senate Reconsider its action whereby it RECEDED and Concurred with the House, please rise and remain standing in their places to be counted.

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

11 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion to RECONSIDER FAILED.

Senator McBREAIRTY of Aroostook was granted unanimous consent to address the Senate On the Record.

SENATOR McBREAIRTY: Mr. President and Honorable Members of the Senate. I recently got a call from a forest ranger out in the field who was quite concerned with the Department of Conservations' policy letter that was delivered to management points, dated March 31, 1982.

I have put a copy of this on your desk and I'd hoped you would read it very carefully because it appears to me that they are going beyond, much beyond, what point that they should be going on requiring people, or taking away people's rights to communicate with their Legislators.

This gentleman told me that they were all banned from communicating with their Legislators without permission from the Department heads. This letter was signed by Richard Anderson. I think it's actually taking away their Constitutional Rights. Thank you.

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

SENATOR PEARSON: Thank you, Mr. President and Men and Women of the Senate. Senator McBreaarty of Aroostook shared with me this memo from the Department of Conservation yesterday and in it, it says in part, "Written or oral communications regarding legislation that relates to the Department of Conservation with a Legislator or with staff to the Legislature, will only be initiated with the advanced approval of the Director of Planning, Program Services, or the Commissioner."

When I first got elected to the Maine Legislature, there was at that time a Department of Indian Affairs. The Department of Indian Affairs was located down near where the Public Utilities Commission office is now. They were not allowed to speak to me, they were not allowed beyond the third floor. Of course they did speak to me, because I have an Indian constituency and I insisted upon them speaking to me but they never would come on the third floor for fear of loss of their jobs. Other people have been told similar things during that administration of that governor. I would hope that, that was not the case in this Administration, but I think that this particular memo, especially if you are on a Committee that's dealing with it, Audit or Energy and Natural Resources with Conservation, tells them that a gag-order is in effect, that they don't want them talking with us unless they report it, tell exactly what they said and get previous permission to do so, and I think that's bad for democracy and bad for the State of Maine.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Carpenter.

SENATOR CARPENTER: I pose a question. Do we still have an Item Tabled until later in today's session?

THE PRESIDENT: Yes.

SENATOR CARPENTER: By this Senator?

THE PRESIDENT: I believe it was. The Chair is in error.

On motion by Senator VIOLETTE of Aroostook, the Senate voted to remove from the

Table:

Bill "An Act to Establish Standards and a Policy for the Compensation of Members of Boards, Commissions and Similar Organizations" H. P. 1807 L. D. 2389

Tabled earlier in today's session on motion by Senator VIOLETTE of Aroostook.

Pending—PASSAGE TO BE ENGROSSED.

(In House April 3, 1984 PASSED TO BE ENGROSSED)

(In Senate April 6, 1984 RECONSIDERED ENGROSSMENT)

On motion by Senator CARPENTER of Aroostook, RETABLED for 1 Legislative Day, pending PASSAGE TO BE ENGROSSED.

On motion by Senator CARPENTER of Aroostook,

ADJOURNED until Monday, April 9, 1984, at 9 o'clock in the morning.