

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Tenth  
Legislature***

OF THE

STATE OF MAINE

***Volume II***

**FIRST REGULAR SESSION**

**MAY 4, 1981 to JUNE 19, 1981**

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The pending question before the Senate is the motion by the Senator from Oxford, Senator O'Leary, that the Senate Accept the Majority Ought to Pass, in New Draft, Report of the Committee.

A Yes vote will be in favor of the Ought to Pass, in New Draft Report.

A No vote will be opposed.

The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

#### ROLL CALL

YEA — Bustin, Carpenter, Collins, Devoe, Dutremble, Gill, Kerry, Najarian, O'Leary, Perkins, Pray, Sewall, C.; Shute, Trozky, Usher, Violette, Wood.

NAY — Ault, Brown, Charette, Clark, Conley, Emerson, Hichens, Huber, McBreairty, Minkowsky, Pierce, Redmond, Sutton, Teague, Trafton.

A Roll Call was had.

17 Senators having voted in the affirmative and 15 Senators in the negative, with No Senators being absent, the motion to Accept the Majority Ought to Pass, in New Draft, Report of the Committee does prevail.

The Bill, in New Draft, Read Once and Tomorrow Assigned for Second Reading.

#### (Off Record Remarks)

#### Orders of the Day

The President laid before the Senate: Bill, "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine." (Emergency) (S. P. 649) (L. D. 1677), Tabled earlier in today's session by Senator Collins of Knox, pending the Adoption of Senate Amendment "E".

The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: Thank you, Mr. President. Mr. President and Members of the Senate, Senate Amendment "E" under filing number S-320 simply changes one word in what was LD 476 from "of" to "or", but our doing that with the current emergency preamble would mean that the word change would take place 90 days prior to the effective date of the Act, which was not an emergency act. That's the reason for this Amendment.

Under Suspension of the Rules, Senate Amendment "E" to Senate Amendment "A" Adopted.

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

Senator DEVOE: Mr. President, I present Senate Amendment "F" to Senate Amendment "A" under filing number S-321 and would move its adoption.

The PRESIDENT: The Senator from Penobscot, Senator Devoe, offers Senate Amendment "F" to Senate Amendment "A" and moves its adoption.

Senate Amendment "F" to Senate Amendment "A" (S-321) Read.

The PRESIDENT: The Senator has the floor. Senator DEVOE: Thank you, Mr. President.

We earlier in this Session passed Private and Special Law, Chapter 49. That has just been signed today by the Governor. All that this Amendment does is to provide that the first year's funding will be derived from dedicated revenue not the General Fund. This Amendment authorizes a special revenue account for that purpose.

Under Suspension of the Rules, Senate Amendment "F" to Senate Amendment "A" Adopted.

The PRESIDENT: The Senator has the floor. Senator DEVOE: Members of the Senate, I present Senate Amendment "B" to Senate Amendment "A" under filing number S-317 and would move its adoption.

The PRESIDENT: The Senator from Penobscot, Senator Devoe, offers Senate Amendment "B" to Senate Amendment "A" and moves its adoption. Senate Amendment "B" to Senate Amend-

ment "A" (S-317) Read.

The PRESIDENT: The Senator has the floor.

Senator DEVOE: Thank you, Mr. President. All this Amendment does is to give the Baxter State Park Authority instead of the Commissioner of Conservation the authority to consent to the transportation of wood that is cut within the confines of Baxter State Park. Thank you.

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

Senator TRAFTON: Mr. President, I'd like to direct a question to the good Senator from Penobscot about Senate Amendment "B". I'd like to know, historically, why it was the Commissioner of Conservation who was delegated that authority? If, in fact, the Baxter State Authority and the Commissioner of Conservation are in agreement with this transfer, and exactly what it entails?

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

Senator PRAY: Mr. President, to respond to the question of the good Senator from Androscoggin, Senator Trafton, originally when the Bill was passed through here dealing with the public lands, which comes under the offices of the Commissioner of Conservation, it was presumed at that time that the lands inside of Baxter Park, the northern section, which is in a forest management practice, through the deeds of trust by Percival Baxter, that that land would be included. It was only afterwards that we found out that it is not. Since that comes under the offices of the Baxter Park Authority, this Amendment is in to include that land as well.

Under Suspension of the Rules, Senate Amendment "B" to Senate Amendment "A" Adopted.

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

Senator GILL: Mr. President, I present Senate Amendment "G" to Senate Amendment "A", and under Suspension of the Rules, I move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Gill, offers Senate Amendment "G" to Senate Amendment "A" and moves its adoption, under Suspension of the Rules.

Under Suspension of the Rules, Senate Amendment "G" to Senate Amendment "A" (S-322) Read.

The PRESIDENT: The Senator has the floor.

Senator GILL: Mr. President, I'd just like to explain this Amendment to the Senators. We have a floating unrelated in this Bill. It's an ambiguity that we're trying to lock down. The Committee on Health and Institutional did not mean for it to be floating. It is the word "unrelated". We're putting it in the proper context.

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

Senator CONLEY: Mr. President, first I was wondering if the Rules were Suspended for the purposes of the introduction of this Amendment.

The PRESIDENT: The Chair understood that they were. The Senator, in her motion, moved that they be Suspended. The Chair answers in the affirmative.

On motion by Senator Conley of Cumberland, Tabled until later in today's session, pending the Adoption of Senate Amendment "G".

#### Second Readers

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

#### House — As Amended

Bill, "An Act Concerning the Regulation of Atlantic Salmon." (H. P. 474) (L. D. 538)

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

Bill, "An Act Providing for Certain Public Utility Bond Financing by the Maine Municipal Bond Bank." (H. P. 1558) (L. D. 1668)

Which was Read a Second Time.

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

Senator PIERCE: Mr. President, I present Senate Amendment "A" under filing number S-316 and move its adoption.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, offers Senate Amendment "A" to LD 1668 and moves its adoption.

Senate Amendment "A" (S-316) Read and Adopted.

The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down forthwith for concurrence.

Bill, "An Act to Protect Farmers' Right to Farm." (H. P. 1175) (L. D. 1399)

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

Sent down forthwith for concurrence.

#### Orders of the Day

On motion by Senator Conley of Cumberland, the Senate voted to take from the Table: Bill, "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine." (Emergency) (S. P. 649) (L. D. 1677).

Under Suspension of the Rules, Senate Amendment "G" to Senate Amendment "A" Adopted. Under Suspension of the Rules, Senate Amendment "A" (S-314) as amended, Adopted. The Bill, as amended, Passed to be Engrossed.

Sent down forthwith for concurrence.

The President laid before the Senate: Bill, "An Act to Remove the Customer Charge from Electric Utility Rate Structures." (S. P. 654), Tabled earlier in today's session by Senator Collins of Knox, pending Reference.

The PRESIDENT: The Chair would answer the Senator from Knox, Senator Collins, on his query as to whether or not Joint Rule 4 applies, that in the opinion of the Chair, the Rule does apply. The Chair would amplify this to the extent that while the Chief Executive may submit Legislation, at any time that he sees fit, as soon as legislation has been submitted, it then becomes subject to the Rules of the Legislature.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I move that the Rules be Suspended.

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

Senator PIERCE: I would object.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of the motion by the Senator from Cumberland, Senator Conley, that the Senate Suspend the Rules, please rise in their places to be counted.

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

12 Senators having voted in the affirmative, and 14 Senators having voted in the negative, the Rules are not Suspended.

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

Bill, "An Act Authorizing Reasonable Fees for Nonresident Users of Public Libraries." (H. P. 548) (L. D. 624)

Tabled—May 27, 1981 by Senator TROTZKY of Penobscot.

Pending—Motion of Senator DEVOE of Penobscot to Indefinitely Postpone.

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

Senator NAJARIAN: Thank you, Mr. President. Mr. President and Members of the Senate, this Bill before us is indirectly tied to a bill which is currently on the Appropriations Table, which provides some money for the Resource Libraries. There has been some negotiations continuing among the sponsors and the State Library. There is a possibility that more money will be made available to the three area