MAINE STATE LEGISLATURE

The following document is provided by the

LAW AND LEGISLATIVE DIGITAL LIBRARY

at the Maine State Law and Legislative Reference Library

http://legislature.maine.gov/lawlib



Reproduced from scanned originals with text recognition applied

(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

One Hundred and Ninth Legislature

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 2 to April 3, 1980

THIRD SPECIAL SESSION

May 22, 1980

THIRD CONFIRMATION SESSION

July 17, 1980

FOURTH CONFIRMATION SESSION

July 24, 1980

FIFTH CONFIRMATION SESSION

September 12, 1980

REPORT, HEARING TRANSCRIPT AND RELATED MEMORANDA OF THE JOINT SELECT COMMITTEE ON INDIAN LAND CLAIMS

STATE OF MAINE
One Hundred and Ninth Legislature
Second Regular Session
JOURNAL OF THE SENATE
March 11, 1980

Senate called to order by the President.

Prayer by Father James Karalexis of Saint Demetrius Greek Orthodox Church of Biddeford.

Father KARALEXIS: O' Lord, grant unto us serenity, and assist us in finding a rapid solution in freeing the hostages in Iran.

Grant us the power of understanding so that we may deal with one another, with harmony and love.

We pray that peace and consolement will be offered unto those who are suffering and going through trying moments in Afghanistan. Help us to love those who begrudge us and assist us so that we may not lead our souls unto temptation.

Grant peace of mind unto those who are going through moments of turmoil in Pakistan.

Grant health unto all thy dedicated lawmakers and direct them so that they may make correct decisions. Enlighten their minds so that they may not be surrounded with feelings of animosity.

All the above we request in the name of the Holy Trinity. Amen.

Reading of the Journal of yesterday.

Senator Katz of Kennebec, was granted unanimous consent to address the Senate, Off the Record.

Senator Conley of Cumberland, was granted unanimous consent to address the Senate, Off the Record.

On Motion by Senator Pierce of Kennebec, Recessed until the sound of the bell.

Recess

After Recess

The Senate called to Order by the President.

Papers from the House
Non-concurrent Matter

Bill, "An Act to Amend Allocations from the Highway Fund for the Fiscal Years from July 1, 1979 to June 30, 1980 and from July 1, 1980 to June 30, 1981, Decrease the State Aid Bonus from 40% to 20%, and Revise Drivers' License and Examination Fees." (Emergency) (H. P. 1723) (L. D. 1827)

In the Senate March 7, 1980, Passed to be Engrossed as amended by Committee Amendment "A" (H-812) as amended by Senate Amendment "B" (S-434) Thereto, in non-concurrence.

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "E" (H-868), Thereto in non-concurrence.

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

Senator KATZ: Mr. President, this is the Major Highway Funding Bill. It comes back to us in practically the same condition we sent it down, but with a slightly modified House Amendment.

I'm going to suggest that in its present form, it is completely unacceptable as a funding mechanism for the Transportation Department. Although it deals with the necessities of this biennium, it completely, absolutely, misses the target in giving us any indication at all on how the long-range needs of this department are going to be met.

My party is unwilling on good faith to patch it up one more time without a clear understanding of where we're going from here, where the people of the State can go from here, on long-range solutions. On that basis I would request that somebody from my party table this unassigned.

On Motion by Senator Pierce of Kennebec, Tabled, pending Consideration.

Non-concurrent Matter

Bill, "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine." (Emergency) (S. P. 770) (L. D. 1964)

In the Senate March 5, 1980, Passed to be Engrossed as amended by Senate Amendment "A" (S-426).

Comes from the House, Passed to be Engrossed as amended by House Amendments "B" (H-844), "C" (H-847), "D" (H-848), "E" (H-849) and "H" (H-856) and Senate Amendment "A", in non-concurrence.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, I move that the Senate Recede and I would speak to the motion.

The PRESIDENT: The Senator has the floor.

Senator COLLINS: Mr. President, the amendments placed in the other body seem innocuous with the possible exception of Amendment "E". For that reason I would ask that the Senate go through these amendments so that the Senator from York, Senator Hichens may explain the effect of Amendment "E".

The PRESIDENT: The Senator from Knox, Senator Collins moves that the Senate Recede.

Is this the Pleasure of the Senate?

The Motion Prevailed.

House Amendment "B" Read and Adopted, in concurrence.

House Amendment "C" Read and Adopted, in concurrence.

House Amendment "D" Read and Adopted, in concurrence.

House Amendment "E" Read.

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

Senator HICHENS: I move that House Amendment "E" be Indefinitely Postponed, and would speak to my motion.

The PRESIDENT: The Senator has the floor.

Senator HICHENS: Mr. President and Members of the Senate: Last year the Legislature enacted and the Governor signed a bill equalizing the sexes in dog licensing. As proof of neutering the applicant had to show a certificate of spaying or a paper signed by a veterinarian saying that a male dog had been neutered.

As the law became effective several town clerks were confronted with people who had no proof of such neutering, especially regarding male dogs. Following the letter of the law, they refused to issue licenses.

Applicants discovered that veterinarians charge up to $14 to examine the dog, and sign statements that the dog was incapable of reproduction. When the matter was brought up to the Agriculture Committee, it was agreed that it had been the intent of the committee when the bill was written that satisfactory proof of such neutering was what we had in mind. A sworn affidavit by the applicant would be sufficient proof if certificates were not available.

I spoke to the Director of Research and asked if a separate bill was needed to correct the problem and was informed that if sufficient proof is provided by sworn affidavit was the intent of the committee, it could be included in the errors and inconsistencies bill.

The Judiciary Committee agreed and it was included and accepted by the Senate. Then someone representing MMA objected. I explained the reason to the committee and he appeared to accept my explanation. Now we have this amendment before us which he apparently convinced a House Member to submit.

I have enough confidence in our Maine citizens to believe that when they sign an affidavit that their dog is incapable of reproduction, that they are telling the truth, especially when they face a fine should they be found out. I hope, therefore, that you will vote with me to Indefinitely Postpone House Amendment "E".

On Motion by Senator Hichens of York, House Amendment "E" Indefinitely Postponed, in non-concurrence.

House Amendment "H" Read and Adopted, in concurrence.

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

Sent down for concurrence.

(Off Record Remarks)

Joint Orders

Expressions of Legislative Sentiment recognizing:

Penny Moody, Wells High School, "most valuable player" and "best sportsman" in the State Girls Class C basketball tournament, for the 2nd consecutive year. (H. P. 1921)

The Town of North Yarmouth, which is celebrating the tricentennial anniversary of its founding in the year 1680. (H. P. 1922)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

Expressions of Legislative Sentiment Recognizing:

Sandra Hall, who is retiring from the Windham Rescue Unit after 6 years of dedicated service. (H. P. 1924)

Beverly Varney, who is retiring from the Windham Rescue Unit after 9 years of dedicated service. (H. P. 1925)

Come from the House, Read and Passed.

Which were Read.

On Motion by Senator Katz of Kennebec, Tabled, pending Passage.

ORDERED, the Senate concurring, that the Joint Standing Committee on Taxation report out a bill to establish the municipal cost components for the unorganized territory for services to be rendered in fiscal year 1981. (H. P. 1934)

Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

Communication
Office of the Secretary of State

To the Honorable 109th Legislature of the State of Maine

Attention: House of Representatives, Clerk Pert

Info: Senate, Secretary Ross

I have the honor to transmit herewith an initiated bill, "AN ACT to Prohibit the Generation of Electric Power by Means of Nuclear Fission," and the results of the examination by this office of the initiative petitions relating to it.

The minimum number of valid signatures required to initiate this legislation is 37,026. On and before February 21, 1980, our office received 4,027 petitions said to contain 55,424 signatures. After extensive review we have determined the number of valid signatures to be 55,384.

In view of the foregoing determination, I hereby certify that these petitions have met the constitutional requirements of the minimum of 37,026 valid signatures. Since the petitions have previously satisfied the constitutional requirements in all other respects, under the provision of Article IV, Part Third, Section 18, of the Constitution of Maine, I do hereby declare this initiative petition to be valid.

In the event the Legislature rejects this initiative proposal, a referendum election will have to be called not earlier than four nor later than six months after the Legislature adjourns. For your information, a special election costs this office between $65,000 and $75,000, and I estimate that it costs municipalities all across the State another $175,000 to $200,000. It would appear that if the Legislature were not to officially adjourn until the early part of May, the