

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

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FOURTH SPECIAL SESSION

April 28, 1982 and April 29, 1982

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FIFTH SPECIAL SESSION

May 13, 1982

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SECOND CONFIRMATION SESSION

July 16, 1982

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lities and confirmation by the Senate.

Sincerely,
S/JOSEPH SEWALL
President of the Senate
S/JOHN L. MARTIN
Speaker of the House
(S. P. 835)

Which was Read and referred to the Committee on Public Utilities.

Sent down for concurrence.

**Office of
Secretary of State**

February 2, 1982

To the Honorable 110th Legislature of the State of Maine

Attention: House of Representatives, Clerk Pert

I have the honor to transmit herewith an initiated bill, "AN ACT to Repeal the Control of Milk Prices at the Wholesale and Retail Levels," and the results of the examination by this office of the initiative petitions relative to it.

The minimum number of valid signatures required to initiate this legislation is 37,026. On January 28, 1982, our office received 274 petitions said to contain 44,003 signatures. After extensive review we have determined the number of valid signatures to be 44,414.

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 provisions 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 be called for November, 1982.

Respectfully,
S/RODNEY S. QUINN
(H. P. 1940)

Comes from the House, Read and Ordered Placed on File. The Initiated Bill, "An Act to Repeal the Control or Milk Prices at the Wholesale and Retail Levels", (IB 3) (LD 1935), referred to the Committee on Agriculture and Ordered Printed.

Which was Read.

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

Senator COLLINS: Mr. President, this morning I was handed, from the Office of the Secretary of State, a copy of a court action filed in the County of Cumberland yesterday, entitled "A Complaint for Declaratory Relief and Appeal from the Decision of the Secretary of State". The gist of this action is that certain parties have gone into court to challenge the procedure of the Secretary of State, the authenticity of the certification, and the signatures on the initiated bill concerning the Milk Commission, which is now before us.

Last week, a letter was delivered by the Secretary of State, to the other Body, addressed to, "the Honorable 110th Legislature of the State of Maine, February 4, 1982", in which the Secretary of State requested that his certification of this act be rescinded and explaining that he was withdrawing his previous communication so that all interested parties may have a sufficient time to review the petitions in detail.

He says further, "my decision in no way implies any deficiency of any impropriety in the petitions. It is simply and wholly in the interests of equity. Respectfully, Rodney S. Quinn, Secretary of State."

I inquired of the Secretary of the Senate a few minutes ago and learned that this communication from the Secretary of State has never reached this Body. I think, however, under these circumstances, where both the Executive Department and the Judicial Department are involved in asking the Legislature to take a little more time to look at the regularity of this

matter, it would be fair and appropriate if we were to Table this for a couple of days, and I hope that someone will move in that direction.

On motion by Senator Hichens of York, Tabled for 2 Legislative Days, pending Placing on File.

**Committee Reports
House**

The following **Ought Not to Pass** report shall be placed in the legislative files without further action pursuant to Rule 22 of the Joint Rules:

Bill, "An Act Concerning Annual Report of Filings for Profit and Nonprofit Corporations." (H. P. 1826) (L. D. 1808)

Leave to Withdraw

The Committee on Judiciary on, Bill, "An Act to Make Intentional or Knowing Default on Payment of Civil Penalties to the State a Class E Offense." (H. P. 1779) (L. D. 1769)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Report was Read and Accepted, in concurrence.

Ought to Pass

The Committee on Energy and Natural Resources on, Bill, "An Act to Allocate Funds from the Low-level Waste Siting Fund." (H. P. 1751) (1741)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed.

Which Report was Read.

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

Senator MINKOWSKY: Thank you, Mr. President. Mr. President and Members of the Senate, I first of all would like to say that I was not aware that this Bill was before us this morning.

Secondly, I am presently serving on the Low-level Waste Siting Commission and we have not even finalized our final report at the present time.

In reading over the Statement of Fact I am a little bewildered and I would like to for the sake of clarity read a portion into the Record so that somebody on the Committee might be able to clarify what happened during the public hearing relevant to this particular Bill.

The opening statement in the Statement of Fact says: "The Low-level Waste Siting Commission is actively engaged in various studies." Not various, we are engaged in one singular study. "These studies incur expenses that need to be paid. A significant expense is out-of-state travel in order that Maine can participate with other states in the development of regional solution to the low-level siting problem."

I disagree with that particular thing, and that is why I am a little bewildered this morning exactly what the name of the game is when this particular Bill was put into play before the Committee on Natural Resources.

Out-of-state travel in the past has been very easily taken care of through the legislative expense account. I think, basically, the generators of low-level waste, their money should not be used for travel to other agencies or to meet with other people in various parts of the United States at the expense of the generators. I think this is absolutely incorrect. That money should be utilized in the State of Maine to find the solution, if we will address low-level waste siting locations.

That particular report is not complete. I just don't see why this thing is being railroaded through the Legislature so quickly, at the present time, without further evaluation.

Personally, I would rather see this particular Bill at least Tabled for a couple of Legislative Days so, at least, I can have an opportunity to

investigate exactly what is going on.

On motion by Senator Collins of Knox, Tabled for 1 Legislative Day, pending Acceptance of the Committee Report.

The Committee on Energy and Natural Resources on, Bill, "An Act to Eliminate a Mandatory Public Hearing for Permits to Locate Solid Waste Disposal Areas Closer than 300 Feet to a Classified Body of Surface Water." (H. P. 1721) (L. D. 1706)

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 and Tomorrow Assigned for Second Reading.

Second Readers

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

Bill, "An Act to Clarify the Certificate of Approval Holder and Maine Wholesale Licensee Agreement Act." (S. P. 768) (L. D. 1826)

Which was Read a Second Time and Passed to be Engrossed.

Sent down for concurrence.

Enactor

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

AN ACT to Revise the Charter of Hebron Academy. (H. P. 1781) (L. D. 1771)

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

(Off Record Remarks)

(Senate At Ease)

The Senate called to order by the President.

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

**Committee Report
House**

Ought to Pass — As Amended

The Committee on Public Utilities on, Bill, "An Act to Exempt the York Water District from the Revised Statutes, Title 35, chapter 262, Relating to Local Control of Water Districts in Existence Prior to January 1, 1982." (H. P. 1931) (L. D. 1914)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-590).

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A".

Which Report was Read and Accepted, in concurrence, and the Bill Read Once. Committee Amendment "A" Read and Adopted in concurrence. Under Suspension of the Rules, the Bill as amended, Read a Second Time and Passed to be Engrossed, in concurrence.

Sent forthwith to the Engrossing Department.

(Off Record Remarks)

(Senate At Ease)

The Senate called to order by the President.

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

**Paper from the House
Joint Order**

An Expression of Legislative Sentiment recognizing:

Timothy Reed, of Augusta, Troop 603, who has attained the high rank and distinction of Eagle Scout. (H. P. 1982)

Comes from the House, Read and Passed.