

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

May 16, 1983 to June 24, 1983

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STATE OF MAINE
One Hundred and Eleventh Legislature
First Regular Session
JOURNAL OF THE SENATE
Augusta, Maine
June 14, 1983
Senate called to order by the President.

Prayer by The Honorable Nancy Randall
Clark of Freeport.

Senator CLARK: Thank you, Mr. President. Let us pray! Our gracious Lord, continue please to grant us thy grace, strength and patience to serve in these last stressful days of our Legislative duties.

Bless us with wisdom and good judgment as hard choices are made, above all dear Lord, grant us a responsive heart, and all this we humbly ask in Thy Holy Name. Amen.

Reading of the Journal of Friday, June 10, 1983.

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

Senator CLARK: Thank you, Mr. President. Mr. President, I request that permission be granted to Members of the Senate and staff to remove their jackets for the duration of this Legislative Session.

The PRESIDENT: The Senator from Cumberland, Senator Clark moves that the Senators be allowed to remove their jackets through the remainder of this session.

Is this the pleasure of the Senate?

It is a vote.

Order Joint Order

On Motion of Senator CARPENTER of Aroostook, the following Joint Order: (S. P. 624)

WHEREAS, the manufacture of various wood products is one of the state's most important industries, affecting the livelihood of thousands of factory workers and their families and thousands of wood suppliers and woods workers; and

WHEREAS, there is an urgent need to establish a comprehensive system of wood measurement law which is clear and concise; and

WHEREAS, the Department of Weights and Measures is charged with the responsibility of administering laws concerning wood measurement that are obscure and close to impossible to carry out; now, therefore be it

ORDERED, the House concurring, that there be created a Joint Select Committee on Wood Measurement Law, pursuant to Joint Rule 16, to study any legislation carried over to the next regular session of the 111th Legislature affecting wood measurement law; and be it further

ORDERED, that the study shall be conducted with the ultimate goal of establishing a method of wood scaling or measurement used in the sale of wood which provides an accurate and verifiable count of the volume, quantity, dimension or weight measured, according to the standards established by the State Sealer of Weights and Measures, provided that those standards may be efficiently and conveniently applied in transactions in the State involving the sale of wood; and be it further

ORDERED, that the joint select committee shall submit a written report to the next regular session of the 111th Legislature of its findings and recommendations, including any recommended legislation it deems appropriate; and be it further

ORDERED, upon passage in concurrence, that a copy of this Order be transmitted forthwith to the joint select committee.

Which was Read.

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

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, as you notice on

your calendar this Order I'm presenting is, I guess, presented on behalf of the protagonists in the wood measurement fight. I think it is acceptable to both sides, it is to try to resolve the situation by the formation of a Joint Select Committee.

However, I now have to offer Senate Amendment "A" (S-206) and move its Adoption.

The PRESIDENT: The Senator from Aroostook, Senator Carpenter offers Senate Amendment "A" (S-206) and moves its Adoption.

Senate Amendment "A" (S-206) was Read and Adopted.

Which was Passed, as amended.

Sent down forthwith for concurrence.

Committee Reports Senate

Leave to Withdraw

The following Leave to Withdraw report shall be placed in the legislative files without further action pursuant to Rule 15 of the Joint Rules:

BILL, "An Act to Authorize and Fund a Medical Model of Congregate Housing" (S. P. 572) (L. D. 1650)

BILL, "An Act to Exempt Historical Societies and Museums from State Sales Tax" (S. P. 33) (L. D. 88)

BILL, "An Act to Restructure State Involvement in Liquor Sales and Enforcement" (S. P. 526) (L. D. 1549)

Ought to Pass

Senator COLLINS for the Committee on Judiciary on BILL, "An Act Relating to the Manner of Approval of Amendments to the Maine Indian Claims Settlement Act" (Emergency) (S. P. 600) (L. D. 1755) Reported that the same Ought to Pass pursuant to Joint Order (S. P. 594)

Which Report was Read and Accepted. The Bill Read Once.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that L. D. 1755 be given its Second Reading by Title Only?

It is a vote.

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

Sent down forthwith for concurrence.

Ought to Pass in New Draft

Senator TRAFON for the Committee on Judiciary on BILL, "An Act Relating to the Period of License Suspension for Drivers Convicted or Adjudicated of Operating Under the Influence" (S. P. 587) (L. D. 1706) Reported that the same Ought to Pass in New Draft under same title (S. P. 618) (L. D. 1753)

Which Report was Read and Accepted. The Bill, in New Draft Read Once.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that L. D. 1753 be given its Second Reading by Title Only?

It is a vote.

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

Sent down forthwith for concurrence.

Senator COLLINS for the Committee on Judiciary on BILL, "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine" (S. P. 529) (L. D. 1552) Reported that the same Ought to Pass in New Draft under same title (S. P. 622) (L. D. 1760)

Which Report was Read and Accepted. The Bill, in New Draft Read Once.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that L. D. 1760 be given its Second Reading by Title Only?

It is a vote.

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

Sent down forthwith for concurrence.

Senator DANTON for the Committee on Transportation on BILL, "An Act Relating to Transportation Facilities" (S. P. 603) (L. D. 1730) Reported that the same Ought to Pass in New Draft under same title (S. P. 621) (L. D. 1759)

Which Report was Read and Accepted. The Bill, in New Draft Read Once.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that L. D. 1759 be given its Second Reading by Title Only?

It is a vote.

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

Sent down forthwith for concurrence.

Senator PEARSON for the Joint Select Committee on Whitewater Rafting on BILL, "An Act to Regulate Commercial Whitewater Rafting" (Emergency) (S. P. 479) (L. D. 1454) Reported that the same Ought to Pass in New Draft under same title (Emergency) (S. P. 625) (L. D. 1763).

Which Report was Read and Accepted. The Bill, in New Draft Read Once and Tomorrow Assigned for Second Reading.

Orders of the Day

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

BILL, "An Act to Establish and Amend the Air Emission and Open-burning Standards" (H. P. 1259) (L. D. 1680)

Tabled — June 10, 1983 by Senator PRAY of Penobscot

Pending — Adoption of House Amendment "B" (H-368) to Committee Amendment "A" (H-340)

(In House June 9, 1983 Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-340) as Amended by House Amendment "B" (H-368) thereto)

(In Senate June 10, 1983 Ought to Pass as Amended Report Read and Accepted. Committee Amendment "A" (H-340) Read. House Amendment "B" (H-368) to Committee Amendment "A" (H-340) Read.)

On motion by Senator Pray of Penobscot, House Amendment "B" to Committee Amendment "A" was Indefinitely Postponed, in non-concurrence.

The PRESIDENT: The Senator has the floor.

Senator PRAY: I offer Senate Amendment "A" (S-196) to Committee Amendment "A" and move to Adoption.

The PRESIDENT: The Senator from Penobscot, Senator Pray offers Senate Amendment "A" (S-196) to Committee Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-196) to Committee Amendment "A" Read.

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

Senator PRAY: Mr. President, Ladies and Gentlemen of the Senate, this amendment provides basically what the House Amendment did in the Statement of Fact it stated it was to correct an oversight in the Committee Amendment. The House Amendment continued to go on and change or clarify the emission standards for existing and new sources. This amendment here will only address the oversight from the Committee Amendment.

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

Senator KANY: Mr. President and Members of the Senate, I have no objection to Senator Pray's amendment. I do want it to be absolutely clear, on the Record, that the House Amendment and the new language that was contained within that was only a clarification and not any major change in existing law.

Senate Amendment "A" (S-196) was Adopted.

Committee Amendment "A" as amended by

Senate Amendment "A" thereto was Adopted, in non-concurrence.

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

Sent down for concurrence.

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

**Committee Reports
Senate**

Leave to Withdraw

The following Leave to Withdraw report shall be placed in the legislative files without further action pursuant to Rule 15 of the Joint Rules:

BILL, "An Act Concerning Property Tax Exemptions for Veterans" (S. P. 259) (L. D. 804)

Ought to Pass in New Draft

Senator BUSTIN for the Committee on Health and Institutional Services on BILL, "An Act to Revise the General Assistance Laws" (S. P. 144) (L. D. 554) Reported that the same Ought to Pass in New Draft under same title (S. P. 626) (L. D. 1764)

Which Report was Read and Accepted.

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

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

Communication

The Following Communication:

State of Maine

**One Hundred and Eleventh Legislature
Committee on Energy and Natural Resources**

The Honorable Gerard Conley
President of the Senate
State House
Augusta, Maine
Dear President Conley:

The Committee on Energy & Natural Resources is pleased to report that it has completed all business placed before it by the first regular session of the 111th Legislature.

Total number of bills received	81
Unanimous reports.	67
Leave to Withdraw	25
Ought to Pass	9
Ought not to Pass	4
Ought to Pass as Amended	14
Ought to Pass in New Draft	15
Divided reports	10
Carryover	4

Respectfully submitted
S/SEN. J. KANY
Senate Chairman
S/REP. D. HALL
House Chairman

Which was Read and Ordered Placed on File.

(Off Record Remarks)

Orders of the Day

On motion by Senator Pray of Penobscot, the Senate voted to remove from the Unassigned Table:

An Act Concerning Public Easements for Access to Harvested Lands and Cemeteries (S. P. 326) (L. D. 971)

Tabled — May 12, 1983 by Senator PRAY of Penobscot

Pending — Enactment

(In Senate April 27, 1983 Passed to be Engrossed)

(In House May 5, 1983 Passed to be Enacted)

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

Senator TRAFTON: Thank you, Mr. President. Mr. President, I move the Indefinite Postponement of L. D. 971 which has just come off the Table and I would speak to my motion.

The PRESIDENT: The Senator has the floor.

Senator TRAFTON: Thank you. Mr. President and Members of the Senate, it's not that I

object to the substance of L. D. 971 so much as I think it should be considered in relation to the total subject matter. The Legislative Council has authorized the Joint Standing Committee on Judiciary to study the areas of abandoned roads and rights of way, particularly, as they relate to easements to back land and cemeteries which this Bill, also, addresses.

I would suggest that it would be inappropriate to take only a partial step in addressing this question now and would ask you to support my motion for Indefinite Postponement so that we can consider this broader area the first of the year, after our study is complete. Thank you.

On motion by Senator Trafton of Androscoggin, L. D. 971 was Indefinitely Postponed, in non-concurrence.

Sent down for concurrence.

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

Senate Paper

BILL, "An Act to Revise the Wood Measurement Law" (S. P. 623) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27) (Sponsored by Senator CARPENTER of Aroostook)

Reference to the Joint Select Committee on Wood Measurement Law suggested.

On motion by Senator Pray of Penobscot, Tabled for 1 Legislative Day, pending Reference.

(Off Record Remarks)

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

Senator Collins of Knox was granted unanimous consent to address the Senate, Off the Record.

On motion by Senator Pray of Penobscot, Adjourned until 9 o'clock tomorrow morning.