

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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STATE OF MAINE
 One Hundred and Eleventh Legislature
 Second Regular Session
 JOURNAL OF THE SENATE
 In Senate Chamber
 Tuesday
 January 31, 1984

Senate called to Order by the President.
 Prayer by the Reverend Moses Baker of the
 Augusta Gospel Tabernacle.

REVEREND BAKER: Shall we Pray? Our Father and our God, we pause to say thank you, this morning, for Your goodness, mercy and grace.

We thank you, O God, for allowing us to live in a country where we can make decisions. I pray today, O God, that for every decision that will be made that You would give wisdom and guidance and strength for Your Word tells us that if we need wisdom we can ask of You. Your Word, also, tells us that You are in charge of the affairs of the nations of the world, so we just ask, O God, that You will give wisdom and guidance, that you will be with each person as they have to make a decision today and we just commit this session into Your hands, O God.

For we pray in Jesus name, Amen.
 Reading of the Journal of Thursday, January 26, 1984.

(Off Record Remarks)

Out of Order and Under Suspension of the Rules

On motion of Senator PRAY of Penobscot, the following Senate Order:

ORDERED, that a message be sent to the House of Representatives proposing a Convention of both branches in the Hall of the House of Representatives at 6:30 o'clock for the purpose of extending to His Excellency, Governor Joseph E. Brennan, an invitation to attend the Convention and make such communication as pleases him.

Which was READ AND PASSED.

The President appointed Senator PRAY of Penobscot to deliver the message, the Senator then retired to the Hall of the House and subsequently reported that he had delivered the message with which he was charged.

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill, "An Act to Revise the Markup Percentage for Maine Produced Products Under the Liquor Law." H. P. 1355 L. D. 1791
 (In Senate June 24, 1983 PASSED TO BE ENACTED.)

Recalled from the Governor's Desk Pursuant to Joint Order (H. P. 1417)

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-455) in NON-CONCURRENCE.

THE PRESIDENT: Is it the pleasure of the Senate to Recede and Concur with the House? It is a vote.

Non-concurrent Matter

Bill, "An Act to Provide for Reapportionment of County Commissioner Districts." H. P. 1487 L. D. 1950

(In Senate January 19, 1984, PASSED TO BE ENGROSSED.)

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-456) in NON-CONCURRENCE.

THE PRESIDENT: Is it the pleasure of the Senate to Recede and Concur with the House? It is a vote.

House Papers

Bill, "An Act to Appropriate Funds from the General Fund for Public Transportation." H. P. 1525 L. D. 2006

Comes from the House referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Which was referred to the Committee on

APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, in concurrence.

Bill, "An Act to Exclude Business Insurance Transactions from the Insurance Premium Finance Company Act." H. P. 1527 L. D. 2007
 Bill, "An Act to Regulate the Practice of Therapeutic Massage" H. P. 1526 L. D. 2013

Come from the House referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED.

Which were referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED, in concurrence.

At this point a message was received from the House of Representatives through Representative MITCHELL of Vassalboro concurring in the proposition for a Joint Convention to be held in the Hall of the House at 6:30 o'clock for the purpose of extending to His Excellency, Governor JOSEPH E. BRENNAN, an invitation to make such communications as may please him.

Bill, "An Act Relating to Certain Testing in Cases of Individuals with Dyslexia." H. P. 1529 L. D. 2008

Comes from the House referred to the Committee on EDUCATION and ORDERED PRINTED.

Which was referred to the Committee on EDUCATION and ORDERED PRINTED, in concurrence.

Bill, "An Act to Amend Certain Provisions of the Department of Environmental Protection Statutes" H. P. 1530 L. D. 2014

Comes from the House referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

Which was referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED in concurrence.

Bill, "An Act to Update the Job Opportunities Act of 1981." H. P. 1531 L. D. 2015

Comes from the House referred to the Joint Select Committee on JOB TRAINING and ORDERED PRINTED.

Which was referred to the Joint Select Committee on JOB TRAINING and ORDERED PRINTED, in concurrence.

Bill, "An Act to Enable the City of Portland to Charge Reasonable Interest on Delinquent Sewer Accounts." H. P. 1532 L. D. 2009

Comes from the House referred to the Committee on LOCAL AND COUNTY GOVERNMENT and ORDERED PRINTED.

Which was referred to the Committee on LOCAL AND COUNTY GOVERNMENT and ORDERED PRINTED, in concurrence.

Bill, "An Act to Establish a Commercial Tag for Atlantic Salmon." H. P. 1533 L. D. 2016

Comes from the House referred to the Committee on MARINE RESOURCES and ORDERED PRINTED.

Which was referred to the Committee on MARINE RESOURCES and ORDERED PRINTED, in concurrence.

Bill, "An Act Relating to Issuance of Bonds by Sanitary Districts." (Emergency) H. P. 1534 L. D. 2010

Comes from the House referred to the Committee on PUBLIC UTILITIES and ORDERED PRINTED.

Which was referred to the Committee on PUBLIC UTILITIES and ORDERED PRINTED, in concurrence.

COMMUNICATIONS

The Following Communication:
 STATE OF MAINE
 OFFICE OF THE GOVERNOR
 AUGUSTA, MAINE

04333 January 27, 1984

Honorable Gerard P. Conley
 President of the Senate
 State House
 Augusta, Maine 04333
 Dear President Conley:

In keeping with the provisions of Article V, Part 1, Section 9 of the Maine Constitution, which requires that the Governor, "... from time to time give the Legislature information of the condition of the State, and recommend to their consideration such measures, as he may judge expedient". I request the opportunity to deliver a State of the State message on Tuesday, January 31, 1984, at 7:00 p.m.

As in the past, this will enable me to give more Maine citizens the opportunity to hear this State of the State message than would be possible at an earlier hour.

Sincerely,
 S/ JOSEPH E. BRENNAN
 Governor

Which was READ and ORDERED PLACED ON FILE.

The Following Communication: (S. P. 734)
 111th LEGISLATURE
 January 27, 1984

The Honorable Richard L. Trafton
 The Honorable Barry J. Hobbins
 Chairmen, Judiciary Committee
 111th Legislature
 Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Ronald A. Daigle of Fort Kent for appointment as a District Court Judge.

Pursuant to Title 4 MRSA Section 157, this nomination will require review by the Joint Standing Committee on the Judiciary and confirmation by the Senate.

Sincerely,
 S/ GERARD P. CONLEY
 President of the Senate
 S/ JOHN L. MARTIN
 Speaker of the House

Which was READ and referred to the Committee on JUDICIARY.
 Sent down for concurrence.

COMMITTEE REPORTS
House

Ought to Pass — As Amended

The Committee on BUSINESS LEGISLATION on Bill, "An Act to Make Necessary Technical Corrections to the Financial Institution Conversion Process" H. P. 1394 L. D. 1817

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-452).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-452) as AMENDED by HOUSE AMENDMENT "A" (H-454) thereto.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-452) was READ.

House Amendment "A" (H-454) to Committee Amendment "A" (H-452) was READ and ADOPTED in concurrence.

Committee Amendment "A" (H-452) as Amended by House Amendment "A" (H-454) thereto ADOPTED in concurrence.

The Bill as Amended TOMORROW ASSIGNED FOR SECOND READING.

Senate
Ought to Pass

Senator KANY for the Committee on PUBLIC UTILITIES on Bill, "An Act to Include Proceedings of the Public Utilities Commission in the Statutory Method for Calculation of Statu-

tory time Periods." S. P. 689 L. D. 1896
 Reported that the same Ought to Pass.
 Which Report was READ and ACCEPTED.
 The Bill READ ONCE.
 The Bill TOMORROW ASSIGNED FOR SECOND READING.

Out of Order and under suspension of the rules, the Senate voted to consider the following:

PAPERS FROM THE HOUSE

House Papers

Bill, "An Act to Amend Calculation of Period of Imprisonment." (Emergency) H. P. 1539 L. D. 2024

Committee on JUDICIARY suggested.

Comes from the House, under Suspension of the Rules the Bill READ TWICE and PASSED TO BE ENGROSSED without reference to a Committee, and ORDERED PRINTED.

On motion by Senator PRAY of Penobscot, TABLED until later in today's session, pending REFERENCE.

On motion by Senator PRAY of Penobscot the Senate RECONSIDERED its action of January 26, 1984 whereby it RECEDED and CONCURRED on:

Bill, "An Act to Extend and Amend the Statute entitled Purchase of Foodstuffs from Maine Concerns." H. P. 710 L. D. 901

Recalled from the Governor's Desk pursuant to Joint Order (H. P. 1417)

In House January 25, 1984 PASSED TO BE ENGROSSED AS AMENDED by Committee Amendment "A" (H-254) and Senate Amendment "A" (S-231) and House Amendment "B" (H-451) in NON-CONCURRENCE.

In Senate January 26, 1984, RECEDED AND CONCURRED.

On further motion by the same Senator, the Senate SUSPENDED THE RULES.

On further motion by the same Senator, the Senate RECEDED from its action whereby the Bill was PASSED TO BE ENGROSSED.

On further motion by the same Senator, the Senate RECEDED.

On further motion by the same Senator, the Senate SUSPENDED THE RULES.

On further motion by the same Senator, the Senate RECEDED from its action where it ADOPTED Senate Amendment "A" (S-231).

On further motion by the same Senator, TABLED for 1 Legislative Day, pending ADOPTION of Senate Amendment "A" (S-231).

Senate At Ease

The Senate called to order by the President.

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

Bill, "An Act to Amend Calculation of Period of Imprisonment." (Emergency) H. P. 1539 L. D. 2024

Tabled earlier in today's session, on motion by Senator PRAY of Penobscot.

Pending—REFERENCE.

Committee on JUDICIARY suggested.

Recalled from the Governor's Desk pursuant to Joint Order (H. P. 1417)

In House January 25, 1984 PASSED TO BE ENGROSSED AS AMENDED by Committee Amendment "A" (H-254) and Senate Amendment "A" (S-231) and House Amendment "B" (H-451) in NON-CONCURRENCE.

In Senate January 26, 1984, RECEDED AND CONCURRED.

On motion by Senator PRAY of Penobscot referred to the Committee of JUDICIARY and ORDERED PRINTED, in non-concurrence.

Sent down for concurrence.

Senator BALDACCI for the Committee on PUBLIC UTILITIES on Bill, "An Act to Limit the Prohibition on Prescriptive Pole and Wire Easements to Public Ways." S. P. 688 L. D. 1895

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.
 The Bill TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

House

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

Bill, "An Act Facilitating Maine's Participation in the National Central Registration Depository." (Emergency) H. P. 1446 L. D. 1898

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, in concurrence.

Senate — As Amended

Bill, "An Act to Allow Plantations to Determine When to Hold Their Annual Meetings." S. P. 670 L. D. 1854 (C. "A" S-280)

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

Sent down for concurrence.

On motion by Senator Pray of Penobscot RECESSED until 6:15 p.m. this evening.

Recess

After Recess

The Senate called to order by the President.

At this point the Senate retired to the Hall of the House where a Joint Convention was formed.

AFTER JOINT CONVENTION IN SENATE

The Senate called to order by the President.

On motion by Senator PRAY of Penobscot Adjourned until 10 o'clock tomorrow morning.