

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
 Wednesday
 February 8, 1984

Senate called to Order by the Secretary.
 THE SECRETARY: Is it the pleasure of the Senate that the Senator from Aroostook, Senator CARPENTER preside as President Pro-Tem? It is a vote.
 The Secretary requested the Sergeant-at-Arms to escort the Senator from Aroostook, Senator CARPENTER to the rostrum to assume the duties of President Pro-Tem.
 The Sergeant-at-Arms escorted the Senator from Aroostook, Senator CARPENTER to the rostrum where he served as President Pro-Tem.

Prayer by the Reverend Russell M. Chase of the United Church of Monmouth.

REVEREND CHASE: Let us pray. Our Heavenly Father, we thank You for this day and for the beauty thereof. We thank You for the peacefulness of the night which enables us to be here, to sit where people have sat down through the ages, governing this great and wonderful State.

We ask Thy blessings upon every person here. We ask Thy blessings and ask for traveling mercies for the President of this Senate and the Majority Leader, may they return safely to us. We ask Thy blessing upon the President Pro-Tem. Give him of Thy wisdom and guidance that he may do that which is pleasing in Thy sight.

Keep us humble, our Father, and steadfast as we undertake the task that we find before us. Keep us faithful and just and true. All of these things we ask in the Masters name. Amen.
 Reading of the Journal of Yesterday.

Out of Order and Under Suspension of the Rules.

On motion by Senator TWITCHELL of Oxford the following Joint Order (S. P. 760):

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Monday, February 13, 1984 at 4 o'clock in the afternoon.

Which was READ and PASSED.
 Sent down forthwith for concurrence.

PAPERS FROM THE HOUSE
Senate Papers

Bill, "An Act to License Occupational Therapists" S. P. 757

Presented by Senator CLARK of Cumberland. Cosponsors: Senator GILL of Cumberland, Senator CHARETTE of Androscoggin, Representative MURRAY of Bangor.

Approved for introduction by the Legislative Council pursuant to Joint Rule 26.

Bill "An Act Requiring Insulation Contractors to Make Certain Disclosures when Installing Urea-Formaldehyde Insulation" S. P. 758

Presented by Senator KANY of Kennebec

Cosponsors: Senator PEARSON of Penobscot, Representative JOSEPH of Waterville, Representative GWADOSKY of Fairfield.

Approved for introduction by the Legislative Council pursuant to Joint Rule 26.

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

Sent down for concurrence.

Bill "An Act Creating the Rangeley Water District" (Emergency) S. P. 759

Presented by Senator ERWIN of Oxford
 Cosponsors: Representative DEXTER of Kingfield, Representative MILLS of Bethel

Approved for introduction by the Legislative Council pursuant to Joint Rule 26.

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

Sent down for concurrence.

ORDERS

SENATOR BROWN of Washington was granted unanimous consent to address the Senate relative to: Coastal Blueberry Services for its effort to help save the Grasshopper Sparrow: SLS 349

THE PRESIDENT PRO-TEM: The Chair recognizes the Senator from Washington, Senator Brown.

SENATOR BROWN: Thank you Mr. President. Ladies and Gentlemen, we have a number of issues that come before us here of Legislative Sentiment, but I just wonder if the author of this one, "The Coastal Blueberry Service for its effort to save the Grasshopper Sparrow" could please explain what this might be about?

THE PRESIDENT PRO-TEM: The Senator from Washington, Senator Brown has posed a question to any Senator who may care to respond.

The Chair recognizes the Senator from York, Senator Wood.

SENATOR WOOD: Mr. President and Men and Women of the Senate. After yesterday's debate I rise with great hesitation to talk about these Joint Orders, but there is a reason for this order. It is fairly simple. In my neck of the woods the Grasshopper Sparrow is a very important and industrious bird, it is what its name implies, it eats those little critters that jump around and, unfortunately, the Grasshopper Sparrow has dwindled in numbers and is on the verge of extinction in the entire world. There are less than twenty pairs left in New England and they are the sum total of all the Grasshopper Sparrows. They live on Blueberry plains and because of the technologies and because of the pesticides being used nowadays, there is a strong chance that if Coastal Blueberries, Inc. had used a certain spray or a certain practice in their area they would have decimated, eliminated, caused this bird to be extinct and we live in a State where the business community realizes the environment, they look at the balance sheet and there are more on the balance sheets than profit. This company said that this bird was important and should be preserved and they took the necessary steps to ensure that they would not do the spraying this year so that the Grasshopper Sparrow would grow and multiply.

COMMITTEE REPORTS
House

Ought to Pass

The Committee on EDUCATION on Bill "An Act to Allow Coordination of Services to Pre-school Handicapped Children Below the Age of 3 Years" (H. P. 1464) (L. D. 1916)

Reported that the same Ought to Pass.

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

The Committee on JUDICIARY on Bill "An Act to Reenact a Provision for Protective Orders in Crimes Between Family Members" (Emergency) (H. P. 1396) (L. D. 1819)

Reported that the same Ought to Pass.

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

The Committee on JUDICIARY on Bill "An Act to Amend the Probate Code to Provide for

Temporary Guardianships Under Certain Emergency Conditions" (H. P. 1430) (L. D. 1875)

Reported that the same Ought to Pass.

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

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 Make Necessary Revisions Relating to the Watercraft Excise Tax." S. P. 732 L. D. 2018.

Ought to Pass — As Amended

Senator KANY for the Committee on PUBLIC UTILITIES on Bill "An Act Concerning Public Utility Commission Approval of Temporary Rate Changes" (S. P. 671) (L. D. 1855)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-286)

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-286) was READ and ADOPTED.

The Bill as Amended TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

House

The Committee on BILLS IN THE SECOND READING reported the following:

Bill "An Act to Eliminate the Requirement for a Separate Application for Lands within the Settlement Corridor to be Entered into the Spruce-Fir Forest Protection District" H. P. 1480 L. D. 1943

Bill "An Act to Conform the Safety Jurisdiction of the Public Utilities Commission over Gas Utilities to Federal Requirements" H. P. 1457 L. D. 1909

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

House — As Amended

Bill "An Act to Amend the Adult Protective Services Act" (Emergency) H. P. 1426 L. D. 1871 (H. "A" (H-463)) to (C. "A" (H-462))

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

ENACTORS

The Committee on ENGROSSED BILLS reported as truly and strictly engrossed the following:

AN ACT to Limit the Prohibition on Prescriptive Pole and Wire Easements to Public Ways S. P. 688 L. D. 1895

AN ACT to Make Necessary Technical Corrections to the Financial Institution Conversion Process H. P. 1394 L. D. 1817 (H. "A" (H-454)) to (C. "A" (H-452))

AN ACT to Include Proceedings of the Public Utilities Commission in the Statutory Method for Calculation of Statutory Time Periods S. P. 689 L. D. 1896

AN ACT to Amend the Statutes Governing the Licensing and Approval of Adult and Child Care Programs H. P. 1425 L. D. 1870

AN ACT to Clarify the Suspension Powers of the Public Utilities Commission Over Affiliated Interest Contracts H. P. 1451 L. D. 1903

Which were PASSED TO BE ENACTED and having been signed by the President, were presented by the Secretary to the Governor for his approval.

Emergency

AN ACT to Clarify Executive and Judicial Authority Regarding the Dissolution of Delinquent Insurers H. P. 1445 L. D. 1897 (C. "A" H-457)

This being an emergency measure and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in the negative was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

AN ACT to Extend and Amend the Statute entitled Purchase of Foodstuffs from Maine Concerns H. P. 710 L. D. 901 (S. "A" (S-281)) to (H. "B" (H-451)); (C. "A" (H-254))

This being an emergency measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in the negative, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

AN ACT to Allow Plantations to Determine When to Hold Their Annual Meetings. S. P. 670 L. D. 1854 (C. "A" (S-280))

This being an emergency measure and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in the negative was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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 Relating to Conveyance of Rolled Bales of Hay" H. P. 1556 L. D. 2057

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

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

COMMUNICATIONS

The Following Communication:

TO: Joy O'Brien, Secretary of the Senate

FROM: Robert E. Boose, Commissioner

Subject: Report of Advisory Committee on Medical Education

In accordance with the provisions of 20-MRSA, Chapter 421, it is my duty to annually report to the Legislature and to the Governor a Plan related to the participation of Maine Contract students in medical education programs. It is my pleasure, therefore, to transmit herewith the sixth Status Report prepared by the Advisory Committee on Medical Education which summarizes the Committee's activities and recommendations for the period January 1983 to December 1983.

Which was READ and ORDERED PLACED ON FILE.

COMMITTEE REPORTS**Senate
Ought to Pass**

Senator COLLINS for the Committee on JUDICIARY on Bill, "An Act to Replace References to Regional Presiding Justice with Chief Justice of the Superior Court" (S. P. 660) (L. D. 1850)

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Senator COLLINS for the Committee on JUDICIARY on Bill "An Act to Amend the Compo-

sition of the Judicial Council" (S. P. 656) (L. D. 1857)

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

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

The PRESIDENT PRO-TEM: Is it now the pleasure of the Senate that the Senate appoint as President Pro-Tem for Monday, February 13, 1984, the Senator from Penobscot, Senator PRAY?

It is a vote.

The Adjournment Order having been returned from the House, Read and Passed, in concurrence, on motion by Senator Twitchell of Oxford, Adjourned until Monday, February 13, 1984, at 4 o'clock in the afternoon.