

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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STATE OF MAINE
 One Hundred and Eleventh Legislature
 Second Regular Session
 JOURNAL OF THE SENATE
 In Senate Chamber
 Monday
 February 27, 1984

Senate called to Order by the President.

Prayer by Father Roland Lajoie of the St. John the Baptist Catholic Church of Brunswick.

FATHER LAJOIE: Good morning. I am very pleased to be here with you this morning being from Brunswick and also born and brought up in Van Buren, so it is an honor for me to be with you to share a prayer at the beginning of this day. I read in the paper that you have a very busy six weeks coming and I ask the Lord to be with you.

I will pray with you Psalms 104, which is a Psalm in praise of God and his creation.

"Bless the Lord, O my soul! O Lord, my God, you are great indeed!

You are clothed with majesty and glory, robed in light as with a cloak.

You have spread out the heavens like a tent-cloth; you have constructed your palace upon the waters.

You make the clouds your chariot; you travel on the wings of the wind.

You make the winds your messengers, and flaming fire your ministers.

You fixed the earth upon its foundation, not to be moved forever;

With the ocean as with a garment, you covered it; above the mountains the waters stood.

At your rebuke they fled, at the sound of your thunder they took to flight;

As the mountains rose, they went down the valleys to the place you had fixed for them.

You set a limit they may not pass, nor shall they cover the earth again.

You send forth springs into the water-courses that wind among the mountains, And give drink to every beast of the field, till the wild asses quench their thirst.

Beside them the birds of heaven dwell; from among the branches they send forth their song.

You water the mountains from your palace; the earth is replete with the fruit of your works.

You raise grass for the cattle, and vegetation for men's use, Producing bread from the earth, and wine to gladden men's hearts,

So that their faces gleam with oil, and bread fortifies the hearts of men.

Well watered are the trees of the LORD, the cedars of Lebanon which he planted; In them the birds build their nests; fir trees are the home of the stork.

The high mountains are for wild beasts; the cliffs are a refuge for rock-badgers.

You made the moon to mark the seasons; the sun knows the hour of its setting.

You bring darkness and it is night; then all the beasts of the forest roam about;

Young lions roar for the prey and seek their food from God.

When the sun rises, they withdraw and crouch in their dens.

Man goes forth to his work and to his tillage till the evening.

May the glory of the Lord endure forever; may the Lord be glad in his works!

He who looks upon the earth, and it trembles; who touches the mountains, and they smoke!

I will sing to the Lord all my life; I will sing praise to my God while I live.

Pleasing to him be my theme; I will be glad in the Lord.

May sinners cease from the earth,

and may the wicked be no more.

Bless the Lord, O my soul!"

"Our Father, who art in Heaven,

hallowed be Thy name,

Thy kingdom come,

Thy will be done

on earth as it is in heaven.

Give us this day our daily bread

forgive us our trespasses

as we forgive those who trespass against us,

and lead us not into temptation

but deliver us from evil.

For yours is the kingdom, the power and the

glory,

now and forever." Amen.

Reading of the Journal of Friday, February 24, 1984.

COMMUNICATIONS

The Following Communication: (H. P. 1606)
 111th Maine Legislature

February 23, 1984

Honorable Joy J. O'Brien

Secretary of the Senate

Honorable Edwin H. Pert

Clerk of the House

State House

Augusta, Maine 04333

Dear Secretary O'Brien and Clerk Pert:

This is to notify you that pursuant to Chapter 590 of the Public Laws of 1983, we have today appointed the following to serve on the Review Committee on Tax Conformity: Senator Frank Wood, of York, Chairman; Senator Thomas Teague, of Somerset; Representative H. Craig Higgins, of Portland; David Clough of Augusta; Harold Melvin of Guilford; Roger Michaud of Lewiston and Thomas Kelly of Falmouth.

Sincerely,

S/ GERARD P. CONLEY

President of the Senate

S/ JOHN L. MARTIN

Speaker of the House

Comes from the House READ and ORDERED PLACED ON FILE.

Which was READ and ORDERED PLACED ON FILE, in concurrence.

The Following Communication: (S. P. 798)
 111th Legislature

Augusta, Maine

February 24, 1984

The Honorable Beverly M. Bustin

The Honorable Merle Nelson

Chairpersons, Committee on Health and

Institutional Services

111th Legislature

State House

Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Nancy A. Boothby of Brunswick as the Director of the Division of Community Services.

Pursuant to Title 5 M.R.S.A. Section 3515, this nomination will require review by the Joint Standing Committee on Health and Institutional Services 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 HEALTH AND INSTITUTIONAL SERVICES.

Sent down for concurrence.

SENATE PAPERS

Bill, "An Act Making Appropriations and Allocations for the Expenditures of State Government for the Fiscal Year ending June 30, 1984" (Emergency) S. P. 795

Presented by Senator BROWN of Washington.

Cosponsors: Representative KELLEHER of Bangor, Representative ARMSTRONG of Wilton.

Submitted by the Office of Energy Resources

pursuant to Joint Rule 24.

Which was referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Sent down for concurrence.

Bill, "An Act to Allow Elderly Persons to have Pets in Public Housing" S. P. 797

Presented by Senator WOOD of York.

Cosponsors: Senator BUSTIN of Kennebec, Senator GILL of Cumberland.

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

Which was referred to the Committee on HEALTH AND INSTITUTIONAL SERVICES and ORDERED PRINTED.

Sent down for concurrence.

Senator BROWN of Washington was granted unanimous consent to address the Senate Relative to SLS 360 a Joint Resolution in Memoriam whereas the Legislature has learned with deep regret of the death of Harold J. Beckett of Eastport.

SENATOR BROWN: Thank you Mr. President, in regard to this Item (4-2), Mr. Beckett who was 88 years old was a friend to the citizens of Washington County. He was (a Commissioner), a County Commissioner for 30 years, served in this Body in the Maine Senate in the 103 Legislature from 1967 and 68. He was a member of the Governor's Executive Council in 1973 and 74, which was the last year that the Republicans controlled the Council.

Mr. Beckett was a 65 year member of the Eastern Lodge #7 in Eastport, a 50 year member of the Shrine and a veteran of World War I.

Mr. President, I would respectfully request that when the Legislature adjourns this day that they do so in honor and lasting tribute to Senator Harold Beckett.

COMMITTEE REPORTS

House

Ought Not to Pass

The following OUGHT NOT TO PASS report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Resolve, to Authorize State Funding of the Penobscot Nation Museum. H. P. 1479 L. D. 1942

Ought to Pass

The Committee on BUSINESS LEGISLATION on Bill, "An Act to Amend the Law Regarding Premium Discounts for Workers' Compensation Insurance of Small Businesses" H. P. 1519 L. D. 2001

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 BUSINESS LEGISLATION on Bill, "An Act to Exclude Business Insurance Transactions from the Insurance Premium Finance Company Act" H. P. 1527 L. D. 2007

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.

Ought to Pass As Amended

The Committee on BUSINESS LEGISLATION on Bill, "An Act to Amend the Maine Con-

sumer Credit Code to Exempt Financing of Educational Expenses" H. P. 1460 L. D. 1912
Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-476).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-476).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-476) was READ and ADOPTED, in concurrence.

The Bill as Amended TOMORROW ASSIGNED FOR SECOND READING.

The Committee on EDUCATION on Bill, "An Act to Include the Towns of Gilead and Upton within Vocational Region 9, Northern Oxford County" (Emergency) H. P. 1421 L. D. 1866

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-475).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-475).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-475) was READ and ADOPTED, in concurrence.

The Bill as Amended TOMORROW ASSIGNED FOR SECOND READING.

The Committee on EDUCATION on Bill, "An Act to Authorize a School Administrative District to Reconsider the Use of the Alternative Voting Procedure for the Adoption of its School Budget" H. P. 1507 L. D. 1982

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-477).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-477).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-477) was READ and ADOPTED, in concurrence.

The Bill as Amended TOMORROW ASSIGNED FOR SECOND READING.

The Committee on MARINE RESOURCES on Resolve, Authorizing the Commissioner of Marine Resources to Lease Land and Buildings in West Boothbay Harbor. (Emergency) H. P. 1405 L. D. 1827

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-473).

Comes from the House, with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-473).

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

Committee Amendment "A" (H-473) was READ and ADOPTED, in concurrence.

The Resolve as Amended TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass in New Draft

The Committee on MARINE RESOURCES on Bill, "An Act to Clarify the Adoption of Emergency Regulations" H. P. 1436 L. D. 1881

Reported that the same Ought to Pass in New Draft under same title: H. P. 1592 L. D. 2102

Comes from the House, the Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT 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 Set Conditions for Timber Harvesting in Certain State Parks" S. P. 685 L. D. 1892

SECOND READERS

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

House As Amended

Bill, "An Act to Enable the City of Portland to Charge Reasonable Interest on Delinquent Sewer Accounts" H. P. 1532 L. D. 2009 (C. "A" H-472)

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

Senate

Bill, "An Act to Appropriate Funds to the Maine State Commission on the Arts and the Humanities for the Maine Touring Artists Program" (Emergency) S. P. 703 L. D. 1941

Resolve, Providing Funds for Portrait of Honorable Lewis O. Barrows. S. P. 705 L. D. 1952

Bill, "An Act to Amend Certain District Court Divisions and Districts" S. P. 653 L. D. 1844

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

Sent down for concurrence.

Senate As Amended

Bill, "An Act to Appropriate to the Maine State Commission on the Arts and the Humanities Fund for the Management of the Percent for Art Act" (Emergency) S. P. 692 L. D. 1924 (C. "A" S-291)

Bill, "An Act to Amend Certain Sections of the Law Related to the Department of Labor" S. P. 731 L. D. 2017 (C. "A" S-292)

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

Sent down for concurrence.

ENACTORS

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

Emergency Resolve

Resolve, Adopting a Permanent Plan for Federal Surplus Property. H. P. 1455 L. D. 1907

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 FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

ORDERS OF THE DAY

The President laid before the Senate:

Bill, "An Act to Amend Certain Rules of the Emergency Medical Services" S. P. 709 L. D. 1955 (C. "A" S-290)

Tabled—February 24, 1984 by Senator PRAY of Penobscot.

Pending—Acceptance of Ought to Pass as Amended Report of the Committee.

(In Senate February 23, 1984 Committee Report READ)

Which Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (S-290) was READ and ADOPTED, in concurrence.

The Bill as Amended 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 Relating to Agricultural Marketing and Bargaining" (Emergency) H. P. 1596 L. D. 2118

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

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

Bill, "An Act to Recognize National Women's History Week" H. P. 1597 L. D. 2119

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 Authorize Leasing of Certain State-owned Land" H. P. 1598 L. D. 2120

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

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

Bill, "An Act Making Adjusted Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1984, and June 30, 1985" (Emergency) H. P. 1599 L. D. 2121

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.

COMMITTEE REPORT

House

Ought to Pass in New Draft

The Committee on TAXATION on Bill, "An Act Concerning Implementation of the Boat Excise Tax" (Emergency) H. P. 1514 L. D. 1989

Reported that the same Ought to Pass in New Draft under same title (Emergency): H. P. 1610 L. D. 2122

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

Under suspension of the Rules the Bill READ A SECOND TIME and PASSED TO BE ENGROSSED, in concurrence.

Sent forthwith to the Engrossing Department.

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

Senator CARPENTER of Aroostook was granted unanimous consent to address the Senate, Off the Record.

On motion by Senator BROWN of Washington, Adjourned until 10 o'clock tomorrow morning, in memory of Harold J. Beckett of Eastport.