

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

INDEX

FOURTH CONFIRMATION SESSION

(FIRST CONFIRMATION SESSION – SECOND REGULAR SESSION)

May 31, 1984

INDEX

FIFTH CONFIRMATION SESSION

(SECOND CONFIRMATION SESSION – SECOND REGULAR SESSION)

July 11, 1984

INDEX

THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

INDEX

STATE OF MAINE
One Hundred and Eleventh Legislature
Second Regular Session
JOURNAL OF THE SENATE
In Senate Chamber,
Thursday
March 8, 1984
Senate called to Order by the President.

Prayer by Father Paul LaBrie of the Holy Family Catholic Church of Lewiston.

FATHER LABRIE: Almighty God, in Your love and mercy You have blessed us with Your gifts of creation, You invite us to assume our responsibilities.

At the beginning of this day we ask You to be present with us gathered in this room. Enlighten us with Your spirit of truth. Let the discussions and decisions this day be for the common good of all the people of this State of Maine. Let our daily work be of praise to You, our Creator. We humbly ask through Christ, our Lord, Amen.

Reading of the Journal of Tuesday, March 6, 1984.

SENATE AT EASE
Senate called to order by the President.

OFF RECORD REMARKS

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act Concerning the Use or Disposition of Fort Gorges in Casco Bay" H. P. 1520 L. D. 2002

In Senate March 2, 1984 PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-481) and SENATE AMENDMENT "B" (S-294)

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY Senate Amendment "B" (S-294) IN NON-CONCURRENCE

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

SENATOR PRAY: Thank you, Mr. President. Mr. President and Ladies and Gentlemen of the Senate, as I look at the Calendar, I notice it says on here "Senate Amendment S-249". When I look at my Senate Amendment Books I see we start at S-278, so I'd like to inquire to the Chair if this is an error on the printed Calendar as far as the filing number of being S-249?

THE PRESIDENT: The Chair will respond that there is an error in the printed Calendar.

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

House Papers

Bill "An Act to Provide Operating Funds for the Spruce Budworm Management Program and to Assure an Accurate Accounting of its Costs" H. P. 1636 L. D. 2165

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 Concerning Reciprocity Relating to Hunting Permits and Guides" H. P. 1629 L. D. 2164

Comes from the House referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED.

Which was referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED, in concurrence.

Bill "An Act to Promote Family Permanency" H. P. 1637 L. D. 2166

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

Which was referred to the Committee on

JUDICIARY and ORDERED PRINTED, in concurrence.

Bill "An Act to Update and Clarify Certain Provisions of the Mining Excise Tax" H. P. 1638 L. D. 2167

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

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

OFF RECORD REMARKS

SENATE PAPERS

Bill "An Act to Require State Agencies Authorized to Expend Proceeds of Bonds Approved by the Electorate to Report the Status of the Bonds to the Legislature Prior to the Date of Deauthorization as Provided in the Constitution of Maine" S. P. 819

Presented by Senator VIOLETTE of Aroostook

Cosponsor: Representative GWADOSKY of Fairfield

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27

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

Sent down for concurrence.

Senator ERWIN of Oxford was granted unanimous consent to address the Senate On the Record.

SENATOR ERWIN: Mr. President, Ladies and Gentlemen of the Senate.

Think of a person we all know who has many a friend and not one foe who has a heart as pure as gold,

it's why he keeps running we have been told. He held a House seat for but two terms,

and seven returns to the Senate he did earn. Animals, the handicapped and the moral right

are all Bills for which he does fight.

On State Government, Education and Agricultural, too

he has learned many things, that is ture.

Especially how to grow strawberries nice, but even better was how to get the top price.

Senator Twitchell was picked to be his seat-mate

so our Senate preacher could keep him straight.

For Myra's hand he placed a bid, he now has seven children 23 grand and one grand kid. Must I tell you his name?

My heavens, it's Walter Hichens

who is merely 67

To wish you a happy birthday is really a must so best wishes to you from all of us.

Poet laureate, Representative Rita Melendy.

OFF RECORD REMARKS

ORDER

Joint Resolution

On motion by Senator KANY of Kennebec (Cosponsors: Senator COLLINS of Knox, Senator MINKOWSKY of Androscoggin, Representative KIESMAN of Fryeburg, Representative HALL of Sangerville, Representative MITCHELL of Freeport) the following Joint Resolution: (S. P. 818)

JOINT RESOLUTION SUPPORTING THE RECOMMENDATIONS OF THE LOW-LEVEL RADIOACTIVE WASTE SITING COMMISSION

WHEREAS, the State of Maine has accepted its responsibility under the United States Low-level Radioactive Waste Policy Act of 1980 to provide for the capacity for disposal of low-level radioactive waste generated within this State; and

WHEREAS, the Low-level Waste Siting Commission has been carefully studying this

problem since 1981; and

WHEREAS, the commission has studied several policy options, including:

1. Joining a Northeast Interstate Low-level Radioactive Waste Management Compact;

2. Joining a Northern New England Compact;

3. Developing a facility for Maine generators only;

4. A staged response, beginning with on-site storage at Maine Yankee; and

5. Arranging to use a site in another state; and

WHEREAS, the commission has made a number of recommendations to the Legislature in its February 1984 report; now, therefore, be it

RESOLVED: That We, the Members of the 111th Legislature assembled in the Second Regular Session, do hereby endorse the recommendations of the Low-level Radioactive Waste Study Commission, specifically:

1. NORTHEAST COMPACT

A. The State should not adopt the Northeast Interstate Low-level Radioactive Waste Management Compact in its present form;

B. The commission should negotiate with the other northeastern states to modify that compact and answer the concerns which we have identified, especially the problem of host state selection and to provide the assurance that all environmental and public health safeguards required by the host state, although costly, are allowable; and

C. The state should continue to participate in the discussion of the northeast policy working group, whatever the outcome of the Northeast Interstate Low-level Radioactive Waste Management Compact negotiations, in order to address the common national problems of interim access, defense waste and the search for better options.

2. NORTHERN NEW ENGLAND COMPACT

A. The commission should continue discussions with the Northern New England Steering Committee, in order to refine the compact concept and language as a possible future option.

B. The commission should continue cooperation with the northern New England states on the technical problems of siting a small facility in our area.

C. The commission and the Northern New England Steering Committee should hold exploratory discussions with possible host states outside the 3-state region.

3. FACILITY FOR MAINE GENERATIONS ONLY.

A. The commission should continue exploration of the option of "going-it-alone," including completion of the preliminary analyses which are now underway, including:

(1) Small shallow land burial facility design;

(2) Financial analysis of a small shallow land burial facility;

(3) Engineered alternatives to shallow land burial;

(4) Financial analysis of a small engineered low-level waste facility; and

(5) Transportation procedures and costs.

B. The commission should work closely with the Maine Congressional Delegation to keep them aware of our interest in this option and to make sure that it remains permissible under any future congressional action.

4. STAGED RESPONSE-STARTING WITH ON-SITE STORAGE

The commission should fully explore on-site storage, with the cooperation of Maine Yankee, for time periods ranging from 5 years to the life of the plant.

5. ARRANGING TO USE A SITE IN ANOTHER STATE

The commission should maintain contact with any other states that might eventually be willing to receive low-level radioactive waste from Maine.

6. DEFENSE WASTE

The commission should express the concern of the Legislature over the problem of defense waste to our Congressional Delegation, and work cooperatively with the other states to develop sound national policy, including consideration of disposal of defense waste at the United States Department of Energy Sites.

7. NATIONAL CONCERNS

The commission should work closely with the Maine Congressional Delegation to:

A. Make sure that the option of "going-it-alone" remains permissible;

B. Make sure that adequate provision is made for interim access for Maine and others during the post-1986 period, before any exclusionary compact is ratified for any region;

C. Reach a sound, fair, national policy on disposal of low-level waste from defense activities, such as the Kittery-Portsmouth Shipyard; and

D. Encourage the search for better options than the traditional shallow land burial; and be it further

RESOLVED: That the commission should continue study of the issues and analysis of further developments in other states, with periodic reports to the Legislature over the next 6 to 12 months.

Which was READ and ADOPTED.

Sent down for concurrence.

COMMITTEE REPORTS**House****Ought to Pass As Amended**

The Committee on JUDICIARY on Bill "An Act Relating to Penobscot Nation Trust Land Designation" H. P. 1398 L. D. 1821

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-498).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-498).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-498) was READ and ADOPTED, in concurrence.

The Bill as Amended TOMORROW ASSIGNED FOR SECOND READING.

The Committee on JUDICIARY on Resolve, to Authorize the Conveyance of Certain Property to the Penobscot Nation H. P. 1397 L. D. 1820

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-499).

Comes from the House, with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-499).

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

Committee Amendment "A" (H-499) was READ and ADOPTED, in concurrence.

The Resolve as Amended TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass in New Draft under New Title

The Committee on JUDICIARY on Bill "An Act Relating to the Time of Penobscot Nation Trust Land Designation" H. P. 1399 L. D. 1822

Reported the same Ought to Pass in New Draft under New Title Bill "An Act Relating to the Time of Passamaquoddy Tribe Trust Land Designation" H. P. 1644 L. D. 2163

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill, in NEW DRAFT under NEW TITLE, READ ONCE.

The Bill, in NEW DRAFT under NEW TITLE,

TOMORROW ASSIGNED FOR SECOND READING.

Senate**Leave to Withdraw**

The following LEAVE TO WITHDRAW reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act Relating to Major Policy-Influencing Positions in Certain Regulatory and Law Enforcement Agencies" S. P. 530 L. D. 1553

Bill "An Act to Redistribute Unused Home Fuel Assistance Program Money" S. P. 756 L. D. 2059

Bill "An Act to Establish a Commission to Review and Evaluate the University of Maine System." S. P. 537 L. D. 1566

Ought to Pass

Senator HICHENS for the Committee on STATE GOVERNMENT on Bill "An Act to Authorize the Sale of Certain State-owned Land" S. P. 767 L. D. 2080

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 CLARK for the Committee on BUSINESS LEGISLATION on Bill "An Act to Define Primary Excess Insurer Pursuant to Self-insurance under the Maine Workers' Compensation Act" S. P. 740 L. D. 2043

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 DANTON for the Committee on TRANSPORTATION on Resolve, to Name the Bridge in Hinckley for George Walter Hinckley S. P. 691 L. D. 1923

Reported that the same Ought to Pass

Which Report was READ and ACCEPTED

The Resolve READ ONCE.

The Resolve TOMORROW ASSIGNED FOR SECOND READING.

Senator DANTON for the Committee on TRANSPORTATION on Bill "An Act Concerning the Speed Limit for School Buses" S. P. 693 L. D. 1925

Reported that the same Ought to Pass

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

Senator KANY for the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Identify Polychlorinated Biphenyls as Hazardous Waste" S. P. 684 L. D. 1891

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-300).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-300) was READ and ADOPTED.

The Bill as Amended TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on TRANSPORTATION on Bill "An Act to Provide for Certain License Requirements for School Bus Drivers" S. P. 704 L. D. 1951

Reported that the same Ought to Pass.

Signed:

Sensors:

DANTON of York

EMERSON of Penobscot

DIAMOND of Cumberland

Representatives:

CAHILL of Woolwich

MACOMBER of S. Portland

REEVES of Pittston

THERIAULT of Fort Kent

CARROLL of Limerick

CALLAHAN of Mechanic Falls

McPHERSON of Eliot

The Minority of the same Committee on the same subject reported that the same Ought Not to Pass.

Signed:

Representatives:

MOHOLLAND of Princeton

STROUT of Corinth

Which Reports were READ.

The Majority OUGHT TO PASS Report was ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

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

House

Resolve, Establishing a Food Policy for Maine H. P. 1541 L. D. 2028

Bill "An Act Providing for the Termination of Stale or Abandoned Securities Registrations" (Emergency) H. P. 1634 L. D. 2157

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

ENACTORS

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

Emergency

AN ACT to Clarify Disposition of Assets of Maine Self-Insurance Guarantee Association in the Event of Dissolution H. P. 1419 L. D. 1864 (C "A" H-479)

This being an emergency measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in negative was PASSED TO BE ENACTED 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 Replace References to Regional Presiding Justice with Chief Justice of the Superior Court S. P. 812 L. D. 2162

Tabled—March 6, 1984 by Senator PRAY of Penobscot

Pending—PASSAGE TO BE ENGROSSED. (In Senate March 6, 1984 READ A SECOND TIME)

On motion by Senator PRAY of Penobscot, RETABLED 1 Legislative Day, pending PASSAGE TO BE ENGROSSED.

The President laid before the Senate:

AN ACT to Amend the Liquor Laws to Permit the Sale of Beer and Wine at Outdoor Stadiums (Emergency) S. P. 752 L. D. 2055 (S "A" S-287)

Tabled—March 6, 1984 by Senator PRAY of Penobscot

Pending—ENACTMENT

(In House March 5, 1984 FAILED OF ENACTMENT)

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

SENATOR HICHENS: Mr. President, I request a roll call.

THE PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a roll call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen a roll call is ordered.

The pending question before the Senate is Passage to be Enacted.

A Yes vote will be in favor of Enactment.

A No vote will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the roll;

ROLL CALL

YEAS—Clark, Pray, Wood, The President—Gerard P. Conley.

NAYS—Baldacci, Brown, Bustin, Carpenter, Charette, Collins, Danton, Diamond, Dow, Du-tremble, Emerson, Erwin, Gill, Hayes, Hichens, Kany, McBreairty, Minkowsky, Pearson, Perkins, Sewall, Shute, Teague, Trafton, Twitchell, Violette.

ABSENT—Najarian, Redmond, Usher.

4 Senators having voted in the affirmative and 26 Senators having voted in the negative with 3 Senators being absent the Bill FAILED OF PASSAGE TO BE ENACTED.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Baldacci.

SENATOR BALDACCI: Mr. President having voted on the prevailing side, I now move reconsideration whereby this Bill failed of Enactment.

THE PRESIDENT: The Senator from Penobscot, Senator Baldacci moves Reconsideration whereby this Bill Failed of Enactment.

On motion by Senator CARPENTER of Aroostook TABLED for 2 Legislative Days, pending the motion by the Senator from Penobscot, Senator BALDACCI to RECONSIDER whereby the Bill FAILED OF ENACTMENT.

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

Bill "An Act Concerning the Use or Disposition of Fort Gorges in Casco Bay" H. P. 1520 L. D. 2002

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

Pending—FURTHER CONSIDERATION.

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

SENATOR PRAY: Mr. President, I move that the Senate Recede and Concur with the House and would like to speak to my motion.

THE PRESIDENT: The Senator from Penobscot, Senator Pray, now moves that the Senate Recede and Concur with the House.

The Senator has the Floor.

SENATOR PRAY: Thank you, Mr. President. Mr. President and Ladies and Gentlemen of the Senate, this was a Bill that was discussed the other day in this Chamber with some concerns expressed about the historical value of Fort Gorges in Casco Bay. The other that was expressed as to whether or not if this was a rather blank check for the Chief Executive to buy a historical site in the City of Portland, in the Casco Bay area.

My concern is, as the Bill now stands, if we Recede and Concur as to whether or not the State is obligated in any way to purchase this site or that if by passage of this Bill, it would give the authority to the Chief Executive in the name of the State of Maine to enter into an agreement for the purchase of this site? Could anyone answer that question please?

THE PRESIDENT: A question has been posed through the Chair by the Senator from Penobscot, Senator Pray, to any member of the Senate who may respond if they so desire.

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

SENATOR TRAFTON: Thank you, Mr. President. Mr. President and Members of the Senate, I did work with the good Senator from Oxford, Senator Twitchell, in drafting this amendment (amendment entitled S-924, I believe). This amendment simply gives the State the right to purchase. This amendment specifically requires the City of Portland, upon receipt of an offer to buy Fort Gorges, the requirement that it notify the State of Maine of that offer. At

that time, the State of Maine may decide to either purchase the property at that particular price or not purchase the property at that particular price. There is no obligation upon the State of Maine to make this purchase and that is why the amendment does not have a fiscal note attached to it.

To answer the good Senator from Penobscot, Senator Pray's question, there is no obligation, no requirement to the State of Maine to purchase this particular property due to this amendment. Thank you.

THE PRESIDENT: Is it now the pleasure of the Senate to Recede and Concur with the House?

It is a vote.

(Off Record Remarks)

On motion by Senator PRAY of Penobscot
ADJOURNED until 8:30 a.m. tomorrow morning.