

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)

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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
Friday
March 16, 1984

Senate called to Order by the President.

Prayer by the Reverend James Cloyd of the Church of the Nazarene of Oakland.

REVEREND CLOYD: Lord, God of all the universe and personal creator of each soul in this great Chamber this morning. We open this session today by lifting our hearts and our minds towards heaven to seek the wise counsel of Your Holy Spirit for the off difficult decisions which confront us.

We are a people particularly privileged to be residents of a State as beautiful and as full of warmhearted responsible citizens as is the State of Maine.

We thank You for that privilege and we ask indeed that you will oversee the goings on in this Chamber today, helping us all to think clearly, to speak our convictions freely and to vote wisely, keeping always in mind the enormous trust that which has been bestowed on us, and the great heritage which we have been given to uphold and protect.

May the sun of Your love forever shine on the great State of Maine. Amen.

Reading of the Journal of Yesterday.

Papers From the House
House Papers

Resolve, Reimbursing Jeffrey Bellmore of Waldoboro for Damages Caused by the Actions of a State Ward H. P. 1681 L. D. 2226

Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested.

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

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

(Off Record Remarks)

Senator HICHENS of York was granted unanimous consent to address the Senate, On the Record.

SENATOR HICHENS: Thank you, Mr. President I was going to save this until Monday, which would have been the day after the good Senator's birthday, but seeing his wife and his lovely daughter are here this morning to share it, I feel that I should share it today so that he can have your good wishes to observe on Sunday which is his birthday the 18th of March.

He came here to the State House as a Legislative page

and got involved in politics at an early age—the more he learned, the more he yearned to have an active part

in making laws, and serving those back home, with all his heart.

In serving two terms in the House—I need not stand and tell

that he found other interests in the State House Halls as well,

for he discovered a young gal—whom he made his wife,

and on the Legislative staff—has shared his State House life.

He moved into the Senate, Representing District Three

and has made his presence known real well here with you and me.

As Agriculture member, his concern for pesticides

was evident quite early—and that fact he never hides.

As a member on Taxation, and this year as its Chair,

he's been real conscientious—Taxation needs to share

and it is with regrets we learn that he has made the choice

to move out into other fields, but states he'll have a voice

in Government and politics e'en though he won't be here

to speak and cast his votes with us as we meet again next year.

So join with me this morning and let us clearly tell

that with the choice he has made—we all wish him well—

and may he, as he travels on, find nothing but the good

in life—a very happy birthday to Senator Frank Wood.

Bill "An Act to Require that Meetings of Governing Bodies of Nonprofit Hospitals be Open to the Public" H. P. 1682 L. D. 2227

Committee on BUSINESS LEGISLATION suggested.

Comes from the House referred to the Committee on HEALTH AND INSTITUTIONAL SERVICES and ORDERED PRINTED.

On motion by Senator CARPENTER of Aroostook, TABLED for 2 Legislative Days REFERENCE.

COMMITTEE REPORTS

House

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 to Require New Residential and Commercial Buildings that Use Electricity as a Heat Source to Meet the State Energy Efficiency Building Performance Standards" H. P. 1617 L. D. 2139

Bill "An Act to Amend the Minimum Wage in Construction Laws" H. P. 1483 L. D. 1946

Bill "An Act to Establish a Telecommunications Policy for the State of Maine" H. P. 1540 L. D. 2025

Bill "An Act to Provide for Additional Considerations in Recovery of Costs of Canceled Plants" H. P. 1407 L. D. 1829

Ought to Pass

The Committee on MARINE RESOURCES on Bill "An Act to Amend the Provisions for Clam Regulation in the Unorganized Territories" (Emergency) H. P. 1604 L. D. 2129

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 ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

Ought to Pass in New Draft

The Committee on MARINE RESOURCES on Bill "An Act to Give the Department of Marine Resources the Authority to Charge Fees for Lobster Trap Tags" H. P. 1494 L. D. 1969

Reported that the same Ought to Pass in New Draft under same title: H. P. 1709 L. D. 2237

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 ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

Ought to Pass in New Draft under New Title

The Committee on TRANSPORTATION on Bill "An Act Relating to Hazardous Materials" H. P. 1167 L. D. 1547

Reported the same Ought to Pass in New

Draft under New Title Bill "An Act Concerning Hazardous Materials Control" H. P. 1666 L. D. 2198

Comes from the House with the Report READ and ACCEPTED and the Bill, in NEW DRAFT under NEW TITLE, PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-515).

Which Report was READ and ACCEPTED, in concurrence.

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

House Amendment "A" (H-515) was READ and ADOPTED, in concurrence.

The Bill, as AMENDED, in NEW DRAFT under NEW TITLE, ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

Senate

Ought to Pass in New Draft

Senator SEWALL for the Committee on BUSINESS LEGISLATION on Bill "An Act to License Occupational Therapists" S. P. 757 L. D. 2066

Reported that the same Ought to Pass in New Draft under same title S. P. 837 L. D. 2243

Which Report was READ and ACCEPTED.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

SECOND READERS

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

Senate

Bill "An Act Requiring Insulation Contractors to Make Certain Disclosures when Installing Urea Formaldehyde Insulation" S. P. 758 L. D. 2067

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

Sent down for concurrence.

ENACTORS

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

Emergency

AN ACT Concerning the Citizens' Civil Emergency Commission H. P. 1679 L. D. 2217

Comes from the House FAILING OF ENACTMENT.

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

SENATOR HICHENS: I move that this Bill be Indefinitely Postponed.

THE PRESIDENT: The Senator from York, Senator Hichens now moves that this Bill be INDEFINITELY POSTPONED.

On motion by Senator PRAY of Penobscot, TABLED until later in today's session, pending motion by the Senator from York, Senator HICHENS to Indefinitely Postpone.

ORDERS OF THE DAY

The President laid before the Senate:

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$1,500,000 for the Design, Construction and Equipping of a Crime Lab and Morgue" (Emergency)

H. P. 1688 L. D. 2238

Tabled—March 15, 1984 by Senator PRAY of Penobscot.

Pending—REFERENCE.

(In House March 15, 1984 referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED)

On motion by Senator PRAY of Penobscot, RETABLED UNASSIGNED, pending REFERENCE.

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

(Off Record Remarks)

The President laid before the Senate:

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$1,500,000 for Restoration and Preservation of Historic Structures" H. P. 1689 L. D. 2239

Tabled—March 15, 1984 by Senator PRAY of Penobscot.

Pending—REFERENCE.

(In House March 15, 1984 referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.)

On motion by Senator PRAY of Penobscot. RETABLED UNASSIGNED, pending REFERENCE.

There being no objections all items previously acted upon were sent forthwith.

On motion by Senator PRAY of Aroostook RECESSED until 12 o'clock noon.

RECESS

AFTER RECESS

The Senate called to order by the President.

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

ENACTORS

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

Emergency

AN ACT to Establish the Cost of the 1984 Spruce Budworm Suppression Project H. P. 1706 L. D. 2233

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:

COMMITTEE REPORTS

Senate

Divided Report

The Majority of the Committee on JUDICIARY on Bill "An Act to Increase the Number of Superior Court Justices and District Court Judges" S. P. 657 L. D. 1847

Reported that the same Ought to Pass in New Draft under same title S. P. 842 L. D. 2262

Signed:

Senators:

COLLINS of Knox
TRAFON of Androscoggin
VIOLETTE of Aroostook

Representatives:

HAYDEN of Durham
DRINKWATER of Belfast
JOYCE of Portland
LIVESAY of Brunswick
SOULE of Westport
FOSTER of Ellsworth
HOBBINS of Saco

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

Signed:

Representatives:

REEVES of Newport
CARRIER of Westbrook
BENOIT of South Portland

Which Reports were READ.

The Majority OUGHT TO PASS IN NEW DRAFT Report was ACCEPTED.

The Bill in NEW DRAFT READ ONCE.

THE PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules that this Bill 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 for concurrence.

SECOND READERS

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

House

Bill "An Act to Amend the Provisions for Clam Regulation in the Unorganized Territories" (Emergency) H. P. 1604 L. D. 2129

Bill "An Act to Give the Department of Marine Resources the Authority to Charge Fees for Lobster Trap Tags" H. P. 1709 L. D. 2237

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

House As Amended

Bill "An Act Concerning Hazardous Materials Control" H. P. 1666 L. D. 2198 (H "A" H-515)

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

Senate

Bill "An Act to License Occupational Therapists" S. P. 837 L. D. 2243

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

Sent down for concurrence.

ENACTORS

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

AN ACT to Provide for the Licensing of Commercial Scallop Fishing for Purposes of Improving Law Enforcement and to Protect Underwater Electric Cables not Shown on Nautical Charts H. P. 1643 L. D. 2173

AN ACT Relating to Conveyance of Rolled Bales of Hay H. P. 1556 L. D. 2057 (C "A" H-505)

AN ACT to Identify Polychlorinated Biphenyls as Hazardous Waste S. P. 684 L. D. 1891 (C "A" S-300)

AN ACT Concerning the Speed Limit for School Buses S. P. 693 L. D. 1925

AN ACT to Define Primary Excess Insurer Pursuant to Self-insurance under the Maine Workers' Compensation Act S. P. 740 L. D. 2043

AN ACT to Change the Name of Coho Salmon to Pacific Salmon H. P. 1484 L. D. 1947 (H "A" H-487 and H "B" H-507 to C "A" H-478)

AN ACT to Clarify the Right of Municipalities to Establish a Probationary Period for Employees H. P. 1550 L. D. 2040 (C "A" H-500)

AN ACT to Correct Errors and Inconsistencies in the School Immunization Law and other Related Laws H. P. 1642 L. D. 2172

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

AN ACT to Authorize the Sale of Certain State-owned Land S. P. 767 L. D. 2080

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Bustin.

SENATOR BUSTIN: In relation to the Set Aside Item, L. D. 2080, I just want to read into the Record that: "when the deed is written on this particular piece of property that it will contain a reversion clause".

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

Resolve

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

Which was FINALLY PASSED and having been signed by the President, was presented by

the Secretary to the Governor for his approval.

Emergency

AN ACT Authorizing York County to Spend Surplus Funds for an Addition to the York County Jail H. P. 1639 L. D. 2161 (H "B" H-506)

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.

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

COMMITTEE REPORTS

House

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 Concerning Computer Access" H. P. 1580 L. D. 2091

Bill "An Act to Amend the Law Concerning Arrest in Other Municipalities by Municipal Law Enforcement Officers" H. P. 1401 L. D. 1823

Bill "An Act to Create a Board of Review of the Judiciary" H. P. 1082 L. D. 1428

Bill "An Act to Amend the Law Concerning Suspensions of Drivers' Licenses on Administrative Determination of Blood-alcohol Content" (Emergency) H. P. 1612 L. D. 2134

Bill "An Act to Prevent Deception in the Sale of Life Insurance" H. P. 1616 L. D. 2138

Resolve, Authorizing the Office of Legislative Assistants to Survey the Availability of Vocational Education Programs to Handicapped Students (Emergency) H. P. 1528 L. D. 2019

Ought to Pass As Amended

The Committee on MARINE RESOURCES on Bill "An Act to Establish a Commercial Tag for Atlantic Salmon" H. P. 1533 L. D. 2016

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-521)

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-521) and HOUSE AMENDMENT "A" (H-524).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-521) was READ.

House Amendment "A" (H-524) was READ and ADOPTED.

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, I would like to pose a question to a Member of the Committee on Marine Resources. As I look at the Committee Amendment in reference to the section dealing with the Penobscot River and as to the purpose of the redesignation of the Joshua Chamberlain Bridge in Bangor, I thought that was the existing law. It was something that was debated sometime ago in here. Since I'm not sure what the statute, the actual statutes now say, that when I look at the Bill and the Committee Amendment, it says it's adding in on paragraph I, "Penobscot River, above the upstream side of the Joshua Chamberlain Bridge in Bangor". My curiosity and my question is to whether or not that re-establishes a new designation for Atlantic Salmon fishing on the upstream side, or does it keep the existing regulation that the Atlantic Salmon fishing is restricted to the lower side of the Joshua Chamberlain Bridge?

THE PRESIDENT: The Senator from Penob-

scot, Senator Pray, has posed a question through the Chair to any Member of the Committee who may respond if they so desire.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

SENATOR MINKOWSKY: Mr. President, and Members of the Senate, at the Committee hearing it keeps it as it was on the lower side of the Joshua Chamberlain Bridge.

Committee Amendment "A" (H-521) was ADOPTED.

The Bill, as AMENDED, TOMORROW ASSIGNED FOR SECOND READING.

Senate Ought to Pass As Amended

Senator DANTON for the Committee on LEGAL AFFAIRS on Bill "An Act Concerning Maine Farm Wineries" S. P. 787 L. D. 2113

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-319).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-319) was READ and ADOPTED.

The Bill, as AMENDED, TOMORROW ASSIGNED FOR SECOND READING.

Senator WOOD for the Committee on AGRICULTURE on Bill "An Act Relating to Changes in the Composition and Functioning of the Harness Racing Commission" S. P. 801 L. D. 2149

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-318)

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-318) was READ and ADOPTED.

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 Non-concurrent Matter

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

In Senate March 9, 1984, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-498)

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-498) AS AMENDED BY HOUSE AMENDMENT "A" (H-523) THERETO IN NON-CONCURRENCE.

THE PRESIDENT: Is it the pleasure of the Senate to RECEDE and CONCUR with the House?

It is a vote.

SENATE PAPERS

Resolve, Authorizing and Directing the Department of Transportation to Continue to Study and Report on the Condition of State and Local Bridges on the Local and Collector Systems and to Recommend Strategies for Improving their Overall Condition" S. P. 844

Presented by Senator DANTON of York.

Cosponsors: Representative CARROLL of Limerick, Representative NADEAU of Lewiston, Representative STROUT of Corinth.

Submitted by the Department of Transportation pursuant to Joint Rule 24.

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

Sent down for concurrence.

ORDERS OF THE DAY

The President laid before the Senate:

Emergency

AN ACT Concerning the Citizens' Civil Emergency Commission H. P. 1679 L. D. 2217

Tabled—March 16, 1984 by Senator PRAY of

Penobscot.

Pending—The motion of Senator HICHENS of York to INDEFINITELY POSTPONE the Bill and accompanying papers.

(In House March 15, 1984 FAILED OF ENACTMENT.)

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

SENATOR PRAY: I request a Division.

THE PRESIDENT: A Division has been requested.

Will all those Senators in favor of the INDEFINITE POSTPONEMENT, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

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

SENATOR BROWN: Is it in order to request a roll call?

THE PRESIDENT: A Roll Call is in order.

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.

On motion by Senator PRAY of Penobscot, RETABLED for 1 Legislative Day, pending the motion of Senator Hichens of York to INDEFINITELY POSTPONE the Bill and all accompanying papers. (A Roll Call having been ordered)

(Off Record Remarks)

Senator USHER of Cumberland was granted unanimous consent to address the Senate Off the Record.

SENATE AT EASE

Senate called to order by the President.

On motion by Senator PRAY of Penobscot ADJOURNED Monday, March 19, 1984 at 9 o'clock in the morning.