

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
Monday
March 19, 1984
Senate called to Order by the President.

Prayer by the Honorable Michael Carpenter of Aroostook.

SENATOR CARPENTER: Let us pray! Our Heavenly Father, as we approach the first day of another of Your springs, we ask Your guidance on this day as we deliberate Your business here in the Legislature. We ask that we always do Your Will and be ever mindful of what is Your direction.

Help and protect all of our colleagues, families, and friends today as they travel in the bad weather and keep them from harm. Amen.

Reading of the Journal of Friday, March 16, 1984.

PAPERS FROM THE HOUSE Non-concurrent Matter

Bill "An Act to Clarify the Licensing Authority of the Board of Registration in Medicine" H. P. 1665 L. D. 2197

In Senate March 13, 1984 PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-512) as Amended by Senate Amendment "A" (S-309) thereto in NON-CONCURRENCE.

Comes from the House Passed to be Engrossed as Amended by House Amendment "A" (H-512) as Amended by Senate Amendment "A" (S-309) thereto and House Amendment "B" (H-535) 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 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. 1726 L. D. 2279

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. 1727 L. D. 2280

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

Which were referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, in concurrence.

COMMUNICATIONS

The Following Communication:

State of Maine HOUSE OF REPRESENTATIVES

March 19, 1984

Honorable Joy J. O'Brien
Secretary of the Senate
111th Legislature
Augusta, Maine 04333
Dear Madam Secretary:

The House voted today to adhere to its action whereby it accepted the Majority "Ought Not to Pass" Report of the Committee on Transportation on Bill "An Act to Require All Drivers Under the Age of 20 Years to Complete an Approved Defensive Driving Course" (H. P. 1582) (L. D. 2096)

Sincerely,
S/EDWIN H. PERT
Clerk of the House

Which was READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act to Amend the Act to Protect the Public from Unsafe Pesticide Use" (Emerg-

ency) S. P. 848

Presented by Senator WOOD of York.
Cosponsor: Representative MICHAEL of Auburn.

Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 24.

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

Sent down for concurrence.

Bill "An Act to Appropriate Funds for Independent Living Services" S. P. 850

Presented by Senator GILL of Cumberland.
Approved for introduction by the Legislative Council pursuant to Joint Rule 26.

Bill "An Act to Abolish the Catastrophic Illness Program" (Emergency) S. P. 851
Presented by Senator NAJARIAN of Cumberland.

Cosponsor: Representative KELLEHER of Bangor.

Submitted by the Department of Human Services pursuant to Joint Rule 24.

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

Sent down for concurrence.

Bill "An Act Amending the Charter of the Boothbay-Boothbay Harbor Community School District (Emergency) S. P. 849

Presented by Senator SEWALL of Lincoln.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

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

Sent down for concurrence.

Bill "An Act to Allow Access to Financial Records of Public Assistance Recipients" S. P. 852

Presented by Senator BUSTIN of Kennebec.
Submitted by the Department of Human Services pursuant to Joint Rule 24.

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

Sent down for concurrence.

ORDERS

Joint Order

On motion by Senator BUSTIN of Kennebec, the following Joint Order: (S. P. 847)

ORDERED, the House concurring, that "An Act to Assure Active Treatment of Mentally Retarded People in Intermediate Care Facilities and Skilled Nursing Care Facilities" S. P. 712, L. D. 1958, be recalled from the Legislative Files and recommitted to the Joint Standing Committee on Health and Institutional Services.

Which was READ.

On motion by Senator CARPENTER of Aroostook, TABLED for 1 Legislative Day, pending PASSAGE.

COMMITTEE REPORTS

House

Change of Reference

The Committee on TAXATION on Bill "An Act to Create a State Funded Jobs Program" (Emergency) H. P. 1631 L. D. 2171

Reported that the same be Referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS.

Comes from the House with the Report READ and ACCEPTED and the Bill REFERRED to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS.

Which Report was READ.

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

SENATOR WOOD: Mr. President, Men and Women of the Senate, just a brief explanation. This Bill does contain a rather hefty increase in the corporate tax. The sponsor has said that all he wants is the Bill to go before the other

Committee, so they can talk about the substance. He will be removing any reference to corporate tax when it reaches that Committee.

Which Report was ACCEPTED, in concurrence.

The Bill REFERRED to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS, in concurrence.

Ought to Pass

The Committee on FISHERIES AND WILDLIFE on Bill "An Act Relating to Penalties for Hunting without a License" H. P. 1547 L. D. 2037

Reported that the same Ought to Pass.

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-531).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

House Amendment "A" (H-531) was READ and ADOPTED in concurrence.

The Bill as Amended ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

Ought to Pass in New Draft

The Committee on BUSINESS LEGISLATION on Bill "An Act to Require Mortgagees to Pay Interest on Escrow Accounts" H. P. 1558 L. D. 2060

Reported that the same Ought to Pass in New Draft under same title: H. P. 1711 L. D. 2241

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 PRESIDENT: Is it the pleasure of the Senate that under suspension of the rules, that the Bill be given its Second Reading at this time by Title Only?

It is a vote.

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

The Committee on PUBLIC UTILITIES on Bill "An Act Creating the Wiscasset Water District" H. P. 1328 L. D. 1765

Reported that the same Ought to Pass in New Draft under same title: H. P. 1712 L. D. 2242

Comes from the House with 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 PRESIDENT: Is it the pleasure of the Senate that under suspension of the rules, that the Bill be given its Second Reading at this time by Title Only?

It is a vote.

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

The Committee on TAXATION on Resolve, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Tree Growth Tax Law (Emergency) H. P. 1512 L. D. 1987

Reported that the same Ought to Pass in New Draft under same title: (Emergency) H. P. 1720 L. D. 2260

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

Which Report was READ and ACCEPTED, in concurrence.

The Resolve in NEW DRAFT READ ONCE.

THE PRESIDENT: Is it the pleasure of the Senate that under suspension of the rules that

the Resolve be given its Second Reading at this time by Title Only?

It is a vote.

Under Suspension of the Rules, the Resolve in NEW DRAFT READ A SECOND TIME and PASSED TO BE ENGROSSED, in concurrence.

Senate

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:

Bill "An Act Concerning Brucellosis in Livestock" (Emergency) S. P. 802 L. D. 2150

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 Allowances and Policies for Medical Equipment for Medicaid Recipients" S. P. 730 L. D. 2012

Bill "An Act to Qualify Veterans who served in the Armed Services of Another Nation for Veterans' Tax Exemptions when They have Received Certificates of Eligibility from the United States Government" S. P. 746 L. D. 2049

Bill "An Act to Revise the Forest Fire Suppression Tax Law" S. P. 727 L. D. 2000

Ought to Pass As Amended

Senator BUSTIN for the Committee on HEALTH AND INSTITUTIONAL SERVICES on Bill "An Act to Clarify the Congregate Housing Program for Maine's Elderly" S. P. 816 L. D. 2193

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-321)

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-321) was READ and ADOPTED.

The Bill as Amended ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

Ought to Pass in New Draft

Senator GILL for the Committee on HEALTH and INSTITUTIONAL SERVICES on Bill "An Act to Ensure Medical Coverage of Residents in Cost Reimbursement Boarding Homes" (Emergency) S. P. 723 L. D. 1995

Reported that the same Ought to Pass in New Draft under same title: (Emergency) S. P. 843 L. D. 2266

Which Report was READ and ACCEPTED.

The Bill in NEW DRAFT READ ONCE.

THE PRESIDENT: Is it the pleasure of the Senate that under suspension of the rules that the Bill be given its Second Reading at this time by Title Only?

It is a vote.

Under suspension of the rules, the Bill in NEW DRAFT READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

Senator CLARK for the Committee on BUSINESS LEGISLATION on Bill "An Act to Clarify the Eligibility Provisions for Accident and Sickness or Health Insurance Program for State Employees" S. P. 803 L. D. 2151

Reported that the same Ought to Pass in New Draft under same title: S. P. 846 L. D. 2292

Which Report was READ and ACCEPTED.

The Bill in NEW DRAFT READ ONCE.

THE PRESIDENT: Is it the pleasure of the Senate that under suspension of the rules that the Bill be given its Second Reading at this time by Title Only?

It is a vote.

Under suspension of the rules, the Bill in NEW DRAFT READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

Ought to Pass in New Draft under New Title

Senator GILL for the Committee on HEALTH AND INSTITUTIONAL SERVICES on Bill "An Act to Clarify the Maine Emergency Medical Services Treatment Act of 1982 with Respect to Transportation of Nursing Home Residents" S. P. 651 L. D. 1841

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Amend Certain Definitions in the Maine Emergency Medical Services Treatment Act of 1982" S. P. 845 L. D. 2293

Which Report was READ and ACCEPTED.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

THE PRESIDENT: Is it the pleasure of the Senate that under suspension of the rules that the Bill be given its Second Reading at this time by Title Only?

It is a vote.

Under suspension of the rules, the Bill in NEW DRAFT under NEW TITLE 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 Establish a Commercial Tag for Atlantic Salmon" H. P. 1533 L. D. 2016 (C "A" H-521 and H "A" H-524)

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

Senate As Amended

Bill "An Act Concerning Maine Farm Wineries" S. P. 787 L. D. 2113 (C "A" S-319)

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

Sent down for concurrence.

Bill "An Act Relating to Changes in the Composition and Functioning of the Harness Racing Commission" S. P. 801 L. D. 2149 (C "A" S-318)

Which was READ A SECOND TIME.

On motion by Senator CARPENTER of Aroostook, TABLED until later in today's session, pending PASSAGE TO BE ENGROSSED AS AMENDED.

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 (A Roll Call having been ordered)

(In House March 15, 1984 FAILED OF ENACTMENT)

On motion by Senator PRAY of Penobscot, RETABLED until later in today's session, pending the motion of Senator HICHENS of York to INDEFINITELY POSTPONE the Bill and accompanying papers (Roll Call having been ordered)

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 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 16, 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 the Bill and accompanying papers was INDEFINITELY POSTPONED, in NON-CONCURRENCE.

Sent down for concurrence.

OFF RECORD REMARKS

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

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 16, 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 CARPENTER of Aroostook, the Bill and accompanying papers was INDEFINITELY POSTPONED, in NON-CONCURRENCE.

Sent down for concurrence.

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

Bill "An Act to Establish the Cost of the 1984 Spruce Budworm Suppression Project." (Emergency) S. P. 683 L. D. 1890

Tabled—January 12, 1984, by Senator PRAY of Penobscot.

Pending—REFERENCE.

(Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested)

THE PRESIDENT: The Senator has the floor.

SENATOR PRAY: Thank you, Mr. President.

Mr. President and Ladies and Gentlemen of the Senate, this is a Bill that was Tabled very early in the session dealing with a Senate sponsor and a Tax proposal as you are aware the Joint Rules do not allow that. Since that time the Taxation Committee has dealt with this issue on another bill and it has been Enacted. I now move the Indefinite Postponement of this Bill

On motion by Senator PRAY of Penobscot, the Bill and accompanying papers was INDEFINITELY POSTPONED in NON-CONCURRENCE.

Sent down for concurrence.

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

On motion by Senator CARPENTER of Aroostook

RECESSED until 4 o'clock this afternoon.

RECESS

AFTER RECESS

The Senate called to order by the President.

SENATE AT EASE

Senate called to order by the President

On motion by Senator PRAY of Penobscot the Senate RECONSIDERED its action of March 19, 1984 whereby it PASSED TO BE ENGROSSED:

Bill "An Act Creating the Wiscasset Water District" H. P. 1712 L. D. 2242

(In House March 16, 1984 PASSED TO BE ENGROSSED)

(In Senate March 19, 1984 PASSED TO BE ENGROSSED in concurrence)

THE PRESIDENT: The Senator has the floor.

SENATOR PRAY: Thank you, Mr. President. Mr. President and Ladies and Gentlemen of the Senate. It has come to the attention of those who scrutinize our actions that this Legislative proposal came back with an error in its printing in its new draft form. We feel that probably the best way to take care of this is to send the Bill back to its Committee and allow them to

take care of those structural problems, thus I move that this Bill be Recommended to the Committee on Public Utilities.

On motion by Senator PRAY of Penobscot RECOMMENDED to the Committee on PUBLIC UTILITIES, in NON-CONCURRENCE.

Sent down for concurrence.

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on MARINE RESOURCES on Bill "An Act to Prohibit Night Scallop Dragging within the 3-mile Limit in Washington County" H. P. 1521 L. D. 2003

Reported that the same Ought Not to Pass.

Signed:

Senators:

MINKOWSKY of Androscoggin
SHUTE of Waldo
DUTREMBLE of York

Representatives:

MANNING of Portland
AINSWORTH of Yarmouth
CROWLEY of Stockton Springs
VOSE of Eastport
HOLLOWAY of Edgecomb
MITCHELL of Freeport
MELENDY of Rockland

The Minority of the same Committee on the same subject reported that the same Ought to Pass.

Signed:

Representatives:

SALSBURY of Bar Harbor
CONNERS of Franklin
SCARPINO of St. George

Comes from the House with the Majority Ought Not to Pass Report READ and ACCEPTED.

Which Reports were READ.

The Majority OUGHT NOT TO PASS Report was ACCEPTED, in concurrence.

Divided Report

The Majority of the Committee on PUBLIC UTILITIES on Bill "An Act to Ensure Funding for the Eventual Spent Fuel Disposal at Nuclear Power Plants" H. P. 805 L. D. 1045

Reported that the same Ought Not to Pass.

Signed:

Senators:

BALDACCI of Penobscot
EMERSON of Penobscot

Representatives:

VOSE of Eastport
MCGOWAN of Pittsfield
RIDLEY of Shapleigh
WEYMOUTH of West Gardiner
PARADIS of Old Town
ROBINSON of Auburn
RODERICK of Oxford

The Minority of the same Committee on the same subject reported that the same Ought to Pass.

Signed:

Senator:

KANY of Kennebec

Representatives:

BAKER of Portland
MATTHEWS of Winslow

Comes from the House, the Majority Ought Not to Pass Report READ and ACCEPTED.

Which Reports were READ.

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

SENATOR BALDACCI: Mr. President, I would like to move that the Senate accept the Majority Ought Not to Pass Report and I would like to speak to my motion.

THE PRESIDENT: The Senator has the floor. SENATOR BALDACCI: Mr. President, this bill, to Ensure Funding for the Eventual Spent Fuel Disposal at Nuclear Power Plants was a Bill that the Committee had during the first

year of this session and had held-over for this year. It's an issue that involves the Federal Energy Regulatory Commission, it's an issue that involves the Department of Energy at the Federal District Court in Boston, it's also an issue that involves the Internal Revenue Service.

It is the Committee's feeling that, and it has been read into the Record, that the Maine Yankee will be developing a trust fund in 1984 for the monies that have been accumulated for the eventual disposal of the spent fuel, which in 1998 will become the property of the Federal Government.

It is for those reasons that we should support the Majority Ought Not to Pass.

THE PRESIDENT: The Senator from Penobscot, Senator Baldacci, has moved that the Senate Accept the Majority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Kennebec, Senator Kany.

SENATOR KANY: Thank you, Mr. President. Mr. President and Members of the Senate, I do not intend to oppose the motion of the Chairman of the Public Utilities Committee, but I do think that this issue is important enough for me to take a few moments of your time to explain precisely what the situation is. By the way, I do have an amendment which is now being printed and probably will be S-322, I do not intend to offer it, I mention it on the Record for posterities sake, so that anyone wishing to refer to it can in the future because the issue is one that will be with us for some time to come.

What has happened is that Maine Yankee has collected over \$50,000,000. Yes, you heard me right, over \$50,000,000 from its owners, the various utilities that own it, for disposing properly of its spent fuel rods. Now, today, Maine Yankee is co-mingling those funds using those \$50,000,000 plus for other purposes, for other expenses, and some would say that that is entirely appropriate because it saves Maine Yankee a lot of interest money, a lot of problems trying to get more capital. Of course as we know, our Maine utilities are having a great deal of problems trying to get capital because of previous decisions that they have made in the past.

So consequently, many would prefer that they continue to use that \$50,000,000 which is precisely and legally for the disposal of spent fuel rods not for other purposes, but being realistic, and being practical, if we like it or not, it is entirely possible that Maine Yankee could close down for reasons beyond Maine Yankee's control, beyond our control. It could have serious enough problems prior to 1998 to have to close down, it is possible, let us be realistic. And in that case, we certainly would want to have that money available, that money so that the Federal Government would then be willing to take title to the spent fuel and would be willing to take that \$50,000,000 to dispose properly of the spent fuel rods. And primarily, because of course Maine Yankee, the company, is a single asset company. If suddenly it were to close, and it no longer have use of its single asset, the nuclear generating plant, it really could not gain revenues from other sources. It has no other means of producing income other than from the generation of electricity. So, consequently, it would have no other way of raising money to gain back some of that \$50,000,000 it had already collected from its ratepayers.

So, certainly, we want to insure that that money is set aside. Maine Yankee has agreed to begin setting aside some of that money, perhaps at approximately \$3,000,000 a year or so and we should see how that works.

In a letter, and I have the letter in front of me, written to Donald Marden, Lobbyist for Maine Yankee, from Richard Crabtree, Treasurer of Maine Yankee, states that by the end of 1984 that this separate fund will begin, will commence. I do believe the Legislature should be aware of this and this promise to do this and

that we should make certain that there is adequate funding set-aside for this purpose, for the reasons that I mentioned to you. I wanted to go through this with you so that you would have an understanding of the issues here.

By the way, the Maine Legislature, past Legislatures, had decided that decommissioning of Maine Yankee that such separate fund was absolutely essential and did take statutory action to assure a separate decommissioning fund. I would say to you that I believe it is just as imperative that the monies for the spent fuel disposal be just as much separate as for the decommissioning monies. I can assure you that if I am not satisfied with precisely what is within that fund and the arrangements made by Maine Yankee by the end of next year that either I will come back with legislation or that I will certainly talk to whomever of you are elected to make certain that something is introduced in the next Legislature. So that is what the situation is and I wanted you all to understand that that \$50,000,000 collected from you and me and others like us is not necessarily available in the event that Maine Yankee would be closed down tomorrow.

On motion by Senator BALDACCI of Penobscot, the Majority OUGHT NOT TO PASS Report was ACCEPTED, in concurrence.

Divided Report

The Majority of the Committee on HEALTH AND INSTITUTIONAL SERVICES on Bill "An Act to Revise the Maine Certificate of Need Act for Hospitals" H. P. 1482 L. D. 1945

Reported that the same Ought Not to Pass.

Signed:

Senators:

CARPENTER of Aroostook
BUSTIN of Kennebec
GILL of Cumberland

Representatives:

BRODEUR of Auburn
CARROLL of Gray
NELSON of Portland
PINES of Limestone
MELENDY of Rockland
RICHARD of Madison
MAYBURY of Brewer
SEAVEY of Kennebunkport
MANNING of Portland

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Representative:

WEBSTER of Farmington

Comes from the House, the Majority Ought Not to Pass report READ and ACCEPTED.

Which Reports were READ.

The Majority OUGHT NOT TO PASS Report was ACCEPTED, in concurrence.

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 Establish a Poultry Disease Control Fund" (Emergency) H. P. 1741 L. D. 2295

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 Making Appropriations from the General Fund to Implement Certain Recommendations of the Governor's Commission on the Status of Education in Maine for the Fiscal Years Ending June 30, 1984, and June 30, 1985" (Emergency) H. P. 1743 L. D. 2297

Bill "An Act Making Appropriations and Allocations for the Expenditures of State Government for the Fiscal Years Ending June 30, 1984, and June 30, 1985" (Emergency) H. P.

1742 L. D. 2296

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

Which were referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, in concurrence.

Bill "An Act to Clarify the Extension of Consumer's Freedom of Choice Regarding Insured Mental Health Services" H. P. 1744 L. D. 2298
Comes from the House referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED.

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

Bill "An Act to Ensure Statewide Uniformity in the Procedures for Body Searches and Body Cavity Searches of Arrestees by Law Enforcement Officers while Respecting the Civil Rights and Liberties of Arrestees." H. P. 1745 L. D. 2299

Bill "An Act to Establish a Policy and Procedure for Law Enforcement Officers Engaged in the Pursuit of Fleeing or Speeding Vehicles" H. P. 1746 L. D. 2300

Bill "An Act Concerning Use of Computer Transcripts" H. P. 1748 L. D. 2302

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

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

Bill "An Act Providing for Administrative Changes in Maine Tax Laws" H. P. 1747 L. D. 2301

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.

Pursuant to the Statutes Committee on Taxation

The Committee on TAXATION Pursuant to the Maine Revised Statutes, Title 1, Chapter 31 ask leave to submit its findings and to report that the accompanying Bill, "An Act to Revise the Procedure Relative to the Review of Property Tax Exemptions and to Amend Certain Laws Relating to Property Tax Exemptions" (H. P. 1729) (L. D. 2282) be referred to this Committee for Public Hearing and printed pursuant to Joint Rule 18.

Comes from the House with the Report READ and ACCEPTED, and the Bill referred to the Committee on TAXATION and ORDERED PRINTED pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on TAXATION, and ORDERED PRINTED pursuant to Joint Rule 18, in concurrence.

Pursuant to the Statutes Committee on Taxation

The Committee on TAXATION pursuant to the Maine Revised Statutes, Title 1, Chapter 31 ask leave to submit its findings and to report that the accompanying Resolution, "Proposing an Amendment to the Constitution of Maine to Relieve Municipalities from the Loss of Tax Base Caused by Property Tax Exemptions by Requiring that the State Pay at Least 50% of the Cost of any New State Mandated Programs" (H. P. 1728) (L. D. 2281) be referred to this Committee for Public Hearing and printed pursuant to Joint Rule 18.

Comes from the House with the report READ and ACCEPTED, and the Resolution referred to the Committee on TAXATION and ORDERED PRINTED pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED, in concurrence.

The Resolution referred to the Committee on TAXATION and ORDERED PRINTED pursuant to Joint Rule 18, in concurrence.

COMMUNICATIONS

The Following Communication:
DEPARTMENT OF INLAND FISHERIES
AND WILDLIFE

March 15, 1984

Honorable Senate President Gerard P. Conley
Maine Senate
State House #3
Augusta, Maine 04333
Honorable Speaker John L. Martin
Maine House of Representatives
State House, Station #2
Augusta, Maine 04333

Dear President Conley and Speaker Martin:

Pursuant to the Resolves of 1977, Chapter 55, we have the honor of writing to you to advise you of our progress relating to the installation of a fishway in the Edwards dam at Augusta.

Since the last message we sent you on this subject, the first item which should be brought to your attention is the reassignment of the most senior biologist employed by the Atlantic Sea-Run Salmon Commission. We have assigned biologist Alfred Meister to work full-time at the restoration of Atlantic Sea-Run Salmon in the Kennebec and Androscoggin Rivers. Obviously, fish passage at the dam in question will be an important part of this effort.

Legal research has been undertaken to establish the proper procedure for requiring the installation of the fishway. The Federal Energy Regulatory Commission has the authority to order the installation of a fishway and the standard license under which the dam is operated specifically provides for state agencies to petition for the installation of this type of facility. Jointly with the Department of the Attorney General, a petition has been prepared and will be filed before the end of the month.

The Staff of the Atlantic Sea-Run Salmon Commission has devoted a great deal of time and effort to the preparation of an Atlantic Salmon Restoration Plan for the State of Maine. This document has now been completed and will be discussed at several informational hearings across the State. The Department of Marine Resources has formulated a draft plan to restore shad and alewives to the Kennebec River drainage. This document will be revised in the near future and a final version will be ready later this year. A thorough scientific basis will obviously be essential to our presentations before the Federal Energy Regulatory Commission.

An indirectly related matter would be appropriate to bring your attention at this time. We have established an Atlantic Sea-Run Salmon Advisory Council. This is a group of eight citizens who represent a good cross-section of the many people in this State who are concerned about the progress of the restoration of Atlantic salmon and who are willing to give of their time to make it successful. A very productive organizational meeting has been held. The council elected the honorable Donald V. Carter of Winslow as their chairman.

The petition to the Federal Energy Regulatory Commission will very likely result in a public hearing on this matter at which we anticipate the strong support of the Advisory Council and many other interested individuals. The Attorney General has extended his utmost support and we will do everything we can to help him and his staff build a strong case before the Commission. This is the only remaining obstacle to the completion of this project. Consequently, we anticipate that next year's report will also show some very interesting and worthwhile developments.

Sincerely,

S/GLENN H. MANUEL
Commissioner, Inland Fisheries and Wildlife
Chairman, Atlantic Sea-Run Salmon
Commission
S/SPENCER APOLLONIO
Commissioner, Marine Resources
Which was READ and ORDERED PLACED
ON FILE.

SENATE PAPERS

Bill "An Act Concerning Disorderly Conduct and Failure to Disperse and to Promulgate a Law Enforcement Manual" S. P. 853

Presented by Senator BUSTIN of Kennebec.
Cosponsor: Senator HAYES of Penobscot.
Approved for introduction by the Legislative Council pursuant to Joint Rule 26.

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

SECOND READERS

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

House As Amended

Bill "An Act Relating to Penalties for Hunting without a License" H. P. 1547 L. D. 2037 (H "A" H-531)

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

Senate As Amended

Bill "An Act to Clarify the Congregate Housing Program for Maine's Elderly" S. P. 816 L. D. 2193 (C "A" S-321)

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

ENACTORS

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

AN ACT to Amend the Law Relating to Wine Franchises S. P. 825 L. D. 2204

AN ACT to Amend the Medical Radiation Health and Safety Act H. P. 1567 L. D. 2076

AN ACT Concerning the Stopping of Trucks at Roadside Weighing Points H. P. 1475 L. D. 1936

AN ACT to Authorize Washington County to Raise \$1,400,000 for Renovations and Additions to the Washington County Jail S. P. 788 L. D. 2114 (C "A" S-305)

AN ACT to Amend the Trustee Appointment Process of the Cumberland County Recreation Center to Make it Conform More Closely to New Legislative Redistricting S. P. 771 L. D. 2092 (C "A" S-304)

AN ACT to Clarify the Authority of the Representative of the State Registrar of Vital Statistics S. P. 744 L. D. 2047 (C "A" S-301)

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 Amend the Charter of the Van Buren Light and Power District H. P. 1562 L. D. 2064 (H "A" H-509)

This being an emergency measure and having received the affirmative vote of 23 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 Amend the Charter of the Jackman Sewer District to Clarify the Limit on Indebtedness and to Clarify Certain Other Language in the Charter S. P. 681 L. D. 1859 (C "A" S-298)

This being an emergency measure and hav-

ing received the affirmative vote of 22 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 to Exempt Coastal Islands from the Fire Suppression Tax" H. P. 1498 L. D. 1973

Bill "An Act to Repeal the Maine Capital Corporation and to Incorporate it under the General Corporation Law of the State" H. P. 1609 L. D. 2125

Bill "An Act to Increase the Capitalization of the Maine Capital Corporation and Reserve Capital for Investment in Maine" H. P. 1607 L. D. 2123

Bill "An Act to Create a Maine State Income Tax Exemption for Taxpayers with Special Needs Dependents" H. P. 1515 L. D. 1990

Ought to Pass

The Committee on LOCAL AND COUNTY GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Waldo County for the Year 1984 (Emergency) H. P. 1722 L. D. 2268

Reported that the same Ought to Pass pursuant to Joint Order H. P. 1572

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

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

THE PRESIDENT: Is it the pleasure of the Senate that under suspension of the rules, that the Resolve be given its Second Reading at this time by Title Only?

It is a vote.

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

The Committee on LOCAL AND COUNTY GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Hancock County for the Year 1984 (Emergency) H. P. 1723 L. D. 2269

Reported that the same Ought to Pass pursuant to Joint Order H. P. 1572

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

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

THE PRESIDENT: Is it the pleasure of the Senate that under suspension of the rules, that the Resolve be given its Second Reading at this time by Title Only?

It is a vote.

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

The Committee on LOCAL AND COUNTY GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Cumberland County for the Year 1984 (Emergency) H. P. 1724 L. D. 2270

Reported that the same Ought to Pass pursuant to Joint Order H. P. 1572

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

Which Report was READ and ACCEPTED, in

concurrence.

The Resolve READ ONCE.

THE PRESIDENT: Is it the pleasure of the Senate that under suspension of the rules, that the Resolve be given its Second Reading at this time by Title Only?

It is a vote.

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

The Committee on LOCAL AND COUNTY GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1984 (Emergency) H. P. 1730 L. D. 2283

Reported that the same Ought to Pass pursuant to Joint Order H. P. 1572

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

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

THE PRESIDENT: Is it the pleasure of the Senate that under suspension of the rules, that the Resolve be given its Second Reading at this time by Title Only?

It is a vote.

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

The Committee on LOCAL AND COUNTY GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Aroostook County for the Year 1984 (Emergency) H. P. 1731 L. D. 2284

Reported that the same Ought to Pass pursuant to Joint Order H. P. 1572

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

Which Report was READ and ACCEPTED, in concurrence.

The Resolve, READ ONCE.

THE PRESIDENT: Is it the pleasure of the Senate that under suspension of the rules, that the Resolve be given its Second Reading at this time by Title Only?

It is a vote.

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

The Committee on LOCAL AND COUNTY GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Washington County for the Year 1984 (Emergency) H. P. 1732 L. D. 2285

Reported that the same Ought to Pass pursuant to Joint Order H. P. 1572

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

Which Report was READ and ACCEPTED, in concurrence.

The Resolve, READ ONCE.

THE PRESIDENT: Is it the pleasure of the Senate that under suspension of the rules, that the Resolve be given its Second Reading at this time by Title Only?

It is a vote.

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

The Committee on LOCAL AND COUNTY GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Sagadahoc County for the Year 1984 (Emergency) H. P. 1733 L. D. 2286

Reported that the same Ought to Pass pursuant to Joint Order H. P. 1572

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

Which Report was READ and ACCEPTED, in

concurrence.

The Resolve, READ ONCE.

THE PRESIDENT: Is it the pleasure of the Senate that under suspension of the rules, that the Resolve be given its Second Reading at this time by Title Only?

It is a vote.

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

The Committee on LOCAL AND COUNTY GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1984 (Emergency) H. P. 1734 L. D. 2287

Reported that the same Ought to Pass pursuant to Joint Order H. P. 1572

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

Which Report was READ and ACCEPTED, in concurrence.

The Resolve, READ ONCE.

THE PRESIDENT: Is it the pleasure of the Senate that under suspension of the rules, that the Resolve be given its Second Reading at this time by Title Only?

It is a vote.

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

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 Relating to Signs for Farm Market Sales" S. P. 768 L. D. 2082

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

SENATE PAPERS

Bill, "An Act to Provide Additional Funds to Reduce Potato Inspection Costs Under the Maine Quality Control Program" (Emergency) S. P. 856

Presented by Senator McBREAIRTY of Aroostook.

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

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

Sent down for concurrence.

COMMITTEE REPORTS

Senate

Divided Report

The Majority of the Committee on TRANSPORTATION on Bill "An Act Providing for Maintenance of Certain Roads in Baxter State Park" (Emergency) S. P. 805 L. D. 2153

Reported that the same Ought to Pass.

Signed:

Senators:

DIAMOND of Cumberland
EMERSON of Penobscot
DANTON of York

Representatives:

CARROLL of Limerick
REEVES of Pittston
NADEAU of Lewiston
CALLAHAN of Mechanic Falls
STROUT of Corinth
MACOMBER of S. Portland
CAHILL of Woolwich
THERIAULT of Fort Kent
McPHERSON of Eliot

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

Signed:

Representative:

MOHOLLAND of Princeton

Which Reports were READ.

The Majority OUGHT TO PASS Report was ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

ORDERS OF THE DAY

The President laid before the Senate:

Bill "An Act Relating to Changes in the Composition and Functioning of the Harness Racing Commission" S. P. 801 L. D. 2149 (C "A" S-318)

Tabled—March 19, 1984 by Senator CARPENTER of Aroostook.

Pending—PASSAGE TO BE ENGROSSED AS AMENDED.

(In Senate March 19, 1984 READ A SECOND TIME)

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Erwin.

SENATOR ERWIN: Mr. President, I present Senate Amendment "A" to Senate Paper 801 and move its passage.

THE PRESIDENT: The Senator from Oxford, Senator Erwin, presents Senate Amendment "A" and moves its adoption.

Senate Amendment "A" (S-232) was READ and ADOPTED.

The Bill was PASSED TO BE ENGROSSED as Amended.

Sent down for concurrence.

The President laid before the Senate:

Emergency

An Act Concerning the Citizens' Civil Emergency Commission H. P. 1679 L. D. 2217

Tabled—March 19, 1984 by Senator PRAY of Penobscot.

Pending—The motion of Senator HICHENS of York to INDEFINITELY POSTPONE the Bill and Accompanying Papers.

(Roll Call having been ordered)

(In House March 15, 1984 FAILED OF ENACTMENT)

THE PRESIDENT: A Roll Call has been ordered.

Is the Senate ready for the question?

A yes vote will be in favor of the Indefinite Postponement.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the roll.

ROLL CALL

YEA—Collins, Dutremble, Emerson, Erwin, Hichens, McBreairty, Minkowsky, Pearson, Redmond, Teague, Twitchell, Usher.

NAY—Baldacci, Bustin, Carpenter, Charrette, Clark, Diamond, Dow, Hayes, Kany, Pray, Wood, The President-Gerard P. Conley.

ABSENT—Brown, Danton, Gill, Najarian, Perkins, Sewall, Shute, Trafton, Violette.

12 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 9 Senators being absent, the motion to INDEFINITELY POSTPONE, FAILED.

This being an emergency measure and having received the affirmative vote of 12 Members of the Senate, with 12 Senators having voted in the negative and 12 being less than two-thirds of the entire elected membership of the Senate, the Bill FAILED OF ENACTMENT, in concurrence.

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

(Off Record Remarks)

On motion by Senator CARPENTER of Aroostook

ADJOURNED until 9 o'clock tomorrow morning.