

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Twelfth  
Legislature***

OF THE

STATE OF MAINE

**Volume I**

**FIRST REGULAR SESSION**

**December 5, 1984 - June 20, 1985**

STATE OF MAINE  
 One Hundred and Twelfth Legislature  
 First Regular Session  
 JOURNAL OF THE SENATE  
 In Senate Chamber  
 Thursday  
 January 3, 1985  
 Senate called to Order by the President.

Prayer by the Reverend Orville Mason of the Welcome Church of the Nazarene in Jackman.  
 REVEREND MASON: Let us all pray! Our heavenly Father, we come before You this beautiful day to honor and glorify You and Your Son, Jesus Christ.  
 We pray that Your presence will be in this session — Your guidance and Your help that we may bring honor to You, in Christ's Name we pray, Amen.

Reading of the Journal of Yesterday.

**COMMUNICATIONS**

The Following Communication:

**STATE OF MAINE  
 BUREAU OF TAXATION**

December 31, 1984

The Honorable Charles P. Pray  
 President of the Senate  
 Augusta, Maine 04333  
 Dear Senator Pray:

The accompanying report is submitted in compliance with Chapter 632 as enacted by the Second Session of the 111th Legislature. The Bureau of Taxation is required to make a report to the First Session of the 112th Legislature listing for each municipality and Unorganized Territory the property tax revenue loss resulting from the exemption of watercraft from the property tax during 1984; and the amount of watercraft excise tax collected by each municipality and the Unorganized Territory for 1984.

Very truly yours,  
 S/Anthony J. Neves  
 State Tax Assessor

Which was **READ** and with accompanying papers **ORDERED PLACED ON FILE**.

The Following Communication: H.P. 11  
**STATE OF MAINE  
 HOUSE OF REPRESENTATIVES**

December 19, 1984

John L. Martin  
 Speaker of the House  
 112th Legislature  
 Charles P. Pray  
 President of the Senate  
 112th Legislature

Dear Mr. Speaker and Mr. President:

On December 19, 1984, one Bill was received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, this bill was referred to the Joint Standing Committee on December 19, 1984 as follows:

**LOCAL AND COUNTY GOVERNMENT**

Bill "An Act to Allow Municipal Officers to Appoint Deputy Treasurers and Deputy Tax Collectors" (H.P. 8) (L.D. 6) (Presented by Representative DAGGETT of Manchester)

Sincerely,  
 S/Edwin H. Pert  
 Clerk of the House  
 S/Joy J. O'Brien  
 Secretary of the Senate

Comes from the House **READ** and **ORDERED PLACED ON FILE**.

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

The Following Communication:  
**STATE OF MAINE  
 HOUSE OF REPRESENTATIVES**

December 21, 1984

John L. Martin  
 Speaker of the House  
 112th Legislature  
 Charles P. Pray

President of the Senate  
 112th Legislature

Dear Mr. Speaker and Mr. President:

On December 21, 1984, two Bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees on December 21, 1984 as follows:

**JUDICIARY**

Bill "An Act to Increase the Fees of Bail Commissioners" (H.P. 9) (L.D. 7) (Presented by Representative ROLDE of York)

**LEGAL AFFAIRS**

Bill "An Act Relating to the Location of Agency Liquor Stores" (H.P. 10) (L.D. 8) (Presented by Representative ROLDE of York)

Sincerely,  
 S/Edwin H. Pert  
 Clerk of the House  
 S/Joy J. O'Brien  
 Secretary of the Senate

Comes from the House **READ** and **ORDERED PLACED ON FILE**.

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

The Following Communication:

**STATE OF MAINE  
 DEPARTMENT OF AUDIT  
 AUGUSTA, MAINE 04333**

December 7, 1984

To the President of the Senate and the Speaker of the House of Representatives

In accordance with Title 5, Section 243, Maine Revised Statutes Annotated of 1964, as amended, an audit has been conducted of the financial records of the Unorganized Territory Tax District for the fiscal year ended June 30, 1984.

The examination was made in accordance with generally accepted auditing standards and the Standards for Audit of Governmental Organizations, Programs, Activities and Functions, promulgated by the U.S. Comptroller General and, accordingly included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances.

Within the scope of the examination, the financial transactions were appropriately handled, with such exceptions as may be noted in the accompanying commentary.

In our opinion, the exhibits and schedules contained in the report present fairly the financial position of the various funds of the Unorganized Territory Tax District at June 30, 1984, the results of operations and the changes in fund balances of such funds for the fiscal year then ended, in conformity with generally accepted accounting principles applied on a basis consistent with that of the preceding year.

S/George J. Rainville  
 State Auditor

Which was **READ** and with accompanying papers **ORDERED PLACED ON FILE**.

**ORDERS OF THE DAY  
 HELD MATTER**

Communication (S.P. 18) RE: Reference of Bills pursuant to Joint Rule 14. Committee on Energy and Natural Resources; Bill, "An Act to Clarify the Enforcement of Private and Septage Disposal Sites." (S.P. 16) (L.D. 9). Committee on Legal Affairs; Bill, "An Act to Change Urinating in Public from Public Indecency to a Lesser Crime." (S.P. 17) (L.D. 10).

In Senate, January 2, 1985, Communication **READ** and Bill, "An Act to Change Urinating in Public from Public Indecency to a Lesser Crime." (S.P. 17) (L.D. 10) **REFERRED** to the Committee on **JUDICIARY, ORDERED PLACED ON FILE, SENT DOWN FOR CONCURRENCE**.

**THE PRESIDENT:** The Chair recognizes the Senator from Aroostook, Senator Violette.

**Senator VIOLETTE:** Mr. President is the Chair in possession of S.P. 17 L.D. 10?

**THE PRESIDENT:** The Chair would answer in the affirmative the item being held at the request of the Senator. The Chair would point out to the Senate that yesterday the action that we took was incorrect. We had received communications under Joint Rule 14 and the action that we had taken was improper due to previous rulings of the Chairs in previous sessions.

Which was **READ** and **ORDERED PLACED ON FILE**.

Sent down for concurrence.

On motion by Senator **VIOLETTE** of Aroostook

**RECESSED** until the Sound of the Bell.

**RECESS**

**AFTER RECESS**

The Senate called to Order by the President.

(OFF RECORD REMARKS)

On motion by Senator **USHER** of Cumberland

**RECESSED** until 10:45 o'clock.

**RECESS**

**AFTER RECESS**

The Senate called to Order by the President.

Out of order and under suspension of the rules, the Senate considered the following:

**PAPERS FROM THE HOUSE  
 House Papers**

Bill, "An Act to Amend the Law Relating to the Special Commission to Study the Implementation of Educational Reform." (Emergency) H.P. 14 L.D. 11

Reference to the Committee on **EDUCATION** suggested and **ORDERED PRINTED**.

Comes from the House Under Suspension of the Rules **READ TWICE** and **PASSED TO BE ENGROSSED WITHOUT REFERENCE TO A COMMITTEE** and **ORDERED PRINTED**.

**THE PRESIDENT:** Is it the pleasure of the Senate that Under Suspension of the Rules this Bill be given its First Reading at this time without Reference to a Committee?

It is a vote.

The Chair recognizes the Senator from York, Senator Hichens.

**Senator HICHENS:** Mr. President, Members of the Senate, could I have somebody explain the necessity for this Bill before us?

It says in the Emergency Preamble: "Whereas acts of the Legislature do not become effective until 90 days after adjournment." We have gone past that 90 days since this was enacted back in September. I was just wondering why we are faced with this today, especially with the extra monies that have been asked for in this Bill?

**THE PRESIDENT:** The Senator from York, Senator Hichens has posed a question through the Chair to any Senator who may wish to answer.

The Chair recognizes the Senator from Hancock, Senator Perkins.

**Senator PERKINS:** Mr. President, Ladies and Gentlemen of the Senate, because I am a member of that August appointed body — this was enacted because back in September the need was felt: that this Commission should, because of its charge and because of the unanimity of the new education bill, that we should get to work on the definitions and other mechanisms which would put this education bill in place prior to the Legislative Session, so indeed, there have been five meetings of the Education Committee.

This is enabling legislation which cannot be done by the Legislative Council which merely allocates the funds for this Commission to keep on meeting. This meets in concert with members of the Committee on Education. The former chair of Education, Senator Hayes chairs the Commission and will be continuing to chair it. This is merely enabling legislation to keep this Commission working so that the

definitions can be reached with regard to the education bill that we passed last September.

Under suspension of the Rules the Bill **READ TWICE** and **PASSED TO BE ENGROSSED WITHOUT REFERENCE TO COMMITTEE** and **ORDERED PRINTED**, in concurrence.

Sent forthwith to the Engrossing Department.

**COMMUNICATION**

The Following Communication:

**THE SENATE OF MAINE  
OFFICE OF THE PRESIDENT**

January 2, 1985

Hon. Joy J. O'Brien

Secretary of the Senate

State House Station #3

Augusta, Maine 04333

Dear Secretary O'Brien:

This is to notify you that pursuant to S.P. 14, Joint Order re-establishing the Public Utilities Investigating Committee, and pursuant to a vote of the Legislative Council on December 6, 1984, I have appointed the following:

Senator John Baldacci, Chair

Senator Michael Carpenter

Senator Charlotte Sewall

Sincerely,

S/Charles P. Pray

President of the Senate

Which was **READ** and **ORDERED PLACED ON FILE**.

Senate At Ease

The Senate called to order by the President.

On motion by Senator **VIOLETTE** of Aroostook

**RECESSED** until the Sound of the Bell.

RECESS

AFTER RECESS

The Senate called to order by the President.

Out of Order and Under suspension of the rules, the Senate considered the following:

**ENACTORS**

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

**Emergency**

An Act to Amend the Law Relating to the Special Commission to Study the Implementation of Educational Reform. H.P. 14 L.D. 11

This being an emergency measure and having received the affirmative vote of 29 Members of the Senate, with 1 Senator 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.

(OFF RECORD REMARKS)

On motion by Senator **USHER** of Cumberland, **ADJOURNED** until January 7, 1985, at 4 o'clock in the afternoon.