

# 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  
January 16, 1985  
Senate called to order by the President.

Prayer by the Honorable Michael Carpenter of Aroostook.

SENATOR CARPENTER: Good morning. The prayer I would share with you this morning is that which was given by the Bishop Peter L. Garrity at the One-Hundred-Fiftieth Anniversary of Maine's Constitutional Convention, given at the First Parish Church in Portland:

"Lord, our God, we acknowledge as our forefathers did, our dependence on You. Your divine providence has guided our destiny; through all these years You have brought us through great trials and threats to our peace and security. You have endowed our people with a great love of liberty and the will to defend it.

Grant that in serving You, we may love and serve one another. We make our prayer in firm faith and hope that You will indeed hear us. You who live and reign, God, forever and ever, Amen."

Reading of the Journal of Yesterday.

#### Papers from the House Non-concurrent Matter

Joint Order: the House concurring, that the Joint Standing Committee on Local and County Government report put such legislation as it sees fit to revise the salaries of county officers and lay the county taxes for the year 1985. (S. P. 40)

In Senate January 10, 1985, **READ** and **PASSED**.

Comes from the House **INDEFINITELY POSTPONED**, in non-concurrence.

The Senate **RECEDED** and **CONCURRED**.

#### House Papers

Bill "An Act to Amend the Community School District School Committee's Ability to Make Additional Assessments" (H. P. 40) (L. D. 46)

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

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

Bill "An Act to Compensate Teachers and Other School Employees for Unused Sick Leave upon Retirement from a School Administrative Unit" (H. P. 41) (L. D. 47)

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

On motion by Senator **VIOLETTE** of Aroostook referred to the Committee on **AGING, RETIREMENT AND VETERANS** and **ORDERED PRINTED**, in non-concurrence.

Sent down for concurrence.

Bill "An Act Concerning Eligibility to Hunt Moose" (H. P. 52) (L. D. 65)

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 Repeal the Statue Concerning Premarital Medical Examination" (H. P. 42) (L. D. 48)

Comes from the House referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED**, in concurrence.

Which was referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Modify Unit Clarification in the Municipal Public Employees Labor Relations Act" (H. P. 43) (L. D. 49)

Comes from the House referred to the Committee on **LABOR** and **ORDERED PRINTED**. Which was referred to the Committee on **LABOR** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Amend the Laws Relating to Games of Chance" (H. P. 44) (L. D. 50)

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.

Bill "An Act Regarding Notice of Municipal Shellfish Conservation Programs" (H. P. 45) (L. D. 51)

Bill "An Act to Require the Furnishing of Lobster and Crab Fishing License Holders with Annual Copies of the Laws and Regulations" (H. P. 46) (L. D. 52)

Bill "An Act to Revise the License Suspension Penalties relating to Marine Resources" (H. P. 47) (L. D. 53)

Bill "An Act to Revise the Lobster Fund" (H. P. 48) (L. D. 54)

Bill "An Act to Modify the Closed period for the Taking of Lobsters" (H. P. 49) (L. D. 55)

Comes from the House referred to the Committee on **MARINE RESOURCES** and **ORDERED PRINTED**.

Which were referred to the Committee on **MARINE RESOURCES** and **ORDERED PRINTED**, in concurrence.

Bill "An Act Concerning Taxpayer Information" (H. P. 53) (L. D. 66)

Bill "An Act to Increase the Property Tax Exemption on Parsonages" (H. P. 54) (L. D. 67)

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

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

Bill "An Act to Prescribe when a Caboose is Required in Connection with Movements of Locomotives and Cars" (H. P. 50) (L. D. 56)

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

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

Bill "An Act for the Town of Brownville to Acquire the Assests and Liabilities of the Brownville Junction Water District" (Emergency) (H. P. 51) (L. D. 57)

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

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

#### Joint Order

The following Joint Order: (H. P. 56)  
Ordered, The Senate concurring, that the Joint Standing Committee on Local and County Government Report out to the House such legislation as it sees fit to revise the salaries of county officers and lay the county taxes for the year 1985.

Comes from the House, **READ** and **PASSED**. Which was **READ** and **PASSED**, in concurrence.

#### Joint Resolutions

The following Joint Resolution: (H. P. 55)  
**JOINT RESOLUTION  
IN OBSERVANCE OF THE BIRTHDAY OF  
DR. MARTIN LUTHER KING, JR.**

WHEREAS, January 15, 1985, marks the 56th anniversary of the birth of Dr. Martin Luther King, Jr.; and

WHEREAS, Dr. King's nonviolent means of effecting social change and his strong leadership awakened the moral sense of an entire nation regarding the treatment of minorities; and  
WHEREAS, Dr. King played a truly historic role in expanding the freedom of black citizens in this Nation; and

WHEREAS, the principles Dr. King espoused are cornerstones of our democratic society and ones to which we as a Nation should continually recommit ourselves; now therefore, be it

RESOLVED: That We, the Members of the 112th Legislature, now assembled in First Regular Session in this the 17th year since the tragic assassination of this historic man, on behalf of the people of Maine, recognize and commemorate in appropriate ceremony at this time the anniversary of the birth of Dr. Martin Luther King, Jr., and in doing so pause to reflect and rededicate ourselves to the fundamental principles of equality and opportunity to which Dr. King's life was dedicated; and be it further

RESOLVED: That suitable copies of this Joint Resolution be prepared and transmitted forthwith by the Secretary of State to Martin Luther King, Jr. Center for Nonviolent Social Change to signify the esteem in which Dr. King and the principles he espoused are held by the people of Maine.

Comes from the House **READ** and **ADOPTED**.

Which was **READ** and **ADOPTED**, in concurrence.

The following Joint Resolution: (H. P. 57)  
**JOINT RESOLUTION TO COMMEMORATE  
THE COMMISSIONING OF  
U.S.S. AUGUSTA, SSN710**

WHEREAS, "Cities have always been the fireplaces of civilization, whence light and heat radiate out into the dark;" and

WHEREAS, Augusta, the capitol city of Maine, is such a city where citizenry radiates a warm and well-lighted hearth; and

WHEREAS, the radiance of this small city will soon beam in the darkest interior of the ocean floor from the most advanced undersea vessel in the world; and

WHEREAS, the United States Ship Augusta, one of the newest class of nuclear-powered attack submarines, was launched January 21, 1984, bearing the name of this proud city; and

WHEREAS, the U.S.S. Augusta will be commissioned at the Kittery Naval Shipyard on January 19, 1985, the 13th in her class to begin the silent vigil to preserve a peaceful and free world; and

WHEREAS, the citizens of Augusta are joined by those throughout the State of Maine and across our great Nation in wishing the captain, officers and crew of this mighty ship Godspeed in accomplishing their most difficult mission, now, therefore, be it

RESOLVED: That, We, the members of the One Hundred and Twelfth Legislature of the great sovereign State of Maine, now assembled at the seat of government in Augusta, take this special opportunity on the commissioning of the United States Ship Augusta, SSN710, to recognize and honor, on behalf of our citizens of Augusta and throughout the State, and extend our hopes and prayers that this great ship will safely carry out its appointed task; and be it further

RESOLVED: That a duly authenticated copy of this resolution be sent forthwith in honor of the occasion, to Captain Thomas W. Turner, U.S.N. commanding officer of the U.S.S. Augusta on behalf of the Maine Legislature, the City of Augusta and the people of Maine.

Comes from the House, **READ** and **ADOPTED**.

Which was **READ** and **ADOPTED**, in concurrence.

**COMMUNICATIONS**

The Following Communication: (H. P. 58)

**STATE OF MAINE**

112th Legislature  
Augusta, Maine 04333

January 14, 1985

The Honorable Vincent L. McKusick  
Chief Justice

Supreme Judicial Court  
156 Federal Street  
Portland, Maine 04101

Dear Mr. Chief Justice:

We are pleased to invite you and as many of the Justices of the Maine Supreme Judicial Court as may be able to attend to a Joint Convention of the 112th Maine Legislature on Wednesday February 6, 1985, at 11:00 a.m.

We would be pleased to hear from you at that time any message you may care to deliver on the State of the Judiciary.

Sincerely,

S/CHARLES P. PRAY

President of the Senate

S/JOHN L. MARTIN

Speaker of the House

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

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

The Following Communication:

**DEPARTMENT OF BUSINESS,  
OCCUPATIONAL AND PROFESSIONAL  
REGULATION**

**BUREAU OF BANKING**  
State House Station # 36  
Augusta, Maine 04333

January 15, 1985

Honorable Joseph E. Brennan  
Governor

Honorable Charles P. Pray

President of the Senate

Honorable John L. Martin

Speaker of the House

In accordance with Title 9-B, Section 217, Maine Revised Statutes Annotated of 1975, as amended, the attached Annual report on the Status of Maine's Financial Institutions is being submitted.

This report contains information on the number, types and legal structures of all regulated financial institutions in the State, the location of all offices and total deposits held by these institutions, and the steps taken by out-of-state financial institutions holding companies, that have acquired Maine financial institutions, to meet the credit needs of Maine consumers and businesses.

Respectfully submitted,  
S/H. DONALD DeMATTEIS  
Superintendent

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

**Senate Papers**

Bill "An Act Relating to Agricultural Apprenticeship and Training" (S. P. 52) (Presented by Senator ERWIN of Oxford) (Cosponsored by: Representative LISNIK of Presque Isle, Senator CARPENTER of Aroostook, Representative SHERBURNE of Dexter)

Committee on **APPROPRIATION AND FINANCIAL AFFAIRS** suggested and **ORDERED PRINTED**.

On motion by Senator VIOLETTE of Aroostook referred to the Committee on **AGRICULTURE** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Remove the Age Limitation for Apprenticeship Programs in the Maine Human Rights Act" (S. P. 53) (Presented by Senator CHALMERS of Knox) (Cosponsored by: Representative RICHARD of Madison, Representative JOSEPH of Waterville, Representative REEVES of Pittson) (Submitted by the Human Rights Commission pursuant to Joint Rule 24.)

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

Bill "An Act Relating to the Sale of Home Heating Fuel" (S. P. 55) (Presented by Senator VIOLETTE of Aroostook)

Which was referred to the Committee of **TAXATION** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Amend Certain Motor Vehicle Laws" (S. P. 56) (Presented by Senator DANTON of York)

Bill "An Act Concerning the Administration of Public Improvements Under the Supervision of the Department of Transportation" (S. P. 57) (Presented by Senator DANTON of York) (Cosponsored by: Representative McPHERSON of Eliot, Representative THERIAULT of Fort Kent, Representative MILLS of Bethel) (Submitted by the Department of Transportation pursuant to Joint Rule 24)

Which were referred to the Committee on **TRANSPORTATION** and **ORDERED PRINTED**,

Sent down for concurrence.

Bill "An Act Amending the Charter of the Androscoggin Reservoir Company" (S. P. 54) (Presented by Senator ERWIN of Oxford) (Cosponsored by: Senator KANY of Kennebec, Representative MILLS of Bethel, Representative ERWIN of Rumford)

Committee on **UTILITIES** suggested and **ORDERED PRINTED**.

On motion by Senator KANY of Kennebec referred to the Committee on **ENERGY AND NATURAL RESOURCES** and **ORDERED PRINTED**.

Sent down for concurrence.

**Orders of the Day**

The President laid before the Senate the Tabled and specially assigned matter:

Bill "An Act Concerning the Licensing of Victuallers, Innkeepers and Tavernkeepers" (S. P. 42) (L. D. 59)

Tabled—January 15, 1985, by Senator VIOLETTE of Aroostook

Pending—**REFERENCE**

(Committee on **LOCAL AND COUNTY GOVERNMENT** suggested and **ORDERED PRINTED**)

On motion by Senator VIOLETTE of Aroostook, Retabled for 1 Legislative day, pending **REFERENCE**.

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 and Clarify the Law Relating to the Sepcial Commission to Study the Implementation of Educational Reform" (Emergency) (H. P. 67) (L. D. 70)

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:** The Chair recognizes the Senator from Washington, Senator BROWN.

Senator BROWN: Thank you, Mr. President. Perhaps this particular issue deserves just a bit of attention here since we did pass a Bill, L. D. 11 a few days ago, which concerned this same topic. You'll notice that L. D. 11 and L. D. 70, the one that we have before us now, is similar in every respect except on page 2 of the L.D. section 6, which deals with the monies that's to be paid for members of that Commission.

This particular Bill--there is a problem with the earlier version in that it did not clarify what the monies were to be paid for, as far as legislative versus non-legislative members of the Committee. This particular Bill, L.D. 70,

just corrects the problem that we had in the earlier version. Thank you.

**THE PRESIDENT:** Is it the pleasure of the Senate that under suspension of the rules, the Bill be given its First Reading at this time without Reference to Committee?

It is a vote.

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

Sent forthwith to the Engrossing Department.

Senate at Ease

The Senate called to order by the President.

Senator DOW of Kennebec was granted unanimous consent to address the Senate Off the Record.

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

On motion by Senator CLARK of Cumberland

**ADJOURNED** until 10 o'clock tomorrow morning.