

# 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  
 Wednesday  
 January 30, 1985  
 Senate called to order by the President.

Prayer by the Reverend Moses Baker of the Augusta Gospel Tabernacle in Augusta.

REVEREND BAKER: Shall we pray! Our Father in Heaven, this morning we again pause to say thank you for this day. Thank You, O God, for this Body of Senators that have gathered to make the decisions, O God, that concern our State.

I pray today O God, that You will be with each one of them in the decisions that have to be made. I pray, O God, that You will give them wisdom, courage and strength to be able to make the decisions that are right—decisions that will be the best for everyone involved.

We ask, O God, that You will just guide and direct and be with each one and we thank You, Amen.

Reading of the Journal of Yesterday.

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act to Amend the Law Concerning Pension Benefits for Dependents of Sheriffs" (H.P. 149) (L.D. 183)

Bill "An Act to Reduce the Requirement of State Service in Order to Apply Credit for Military Service" (H.P. 150) (L.D. 184)

Bill "An Act to Prevent Discrimination Against Retired Maine Residents who have Previously been Members of the Maine State Retirement System" (H.P. 212) (L.D. 246)

Bill "An Act to Clarify Accidental Death Benefits Payable to Spouses and Children of Members" (H.P. 230) (L.D. 271)

Comes from the House referred to the Committee on **AGING, RETIREMENT AND VETERANS** and **ORDERED PRINTED**.

Which were referred to the Committee on **AGING, RETIREMENT AND VETERANS** and **ORDERED PRINTED**, in concurrence.

Bill "An Act Concerning Cruelty to Animals" (H.P. 144) (L.D. 178)

Bill "An Act to Improve the Quality of Milk" (H.P. 145) (L.D. 179)

Bill "An Act to Lower the Storage Temperature of Milk" (H.P. 146) (L.D. 180)

Bill "An Act Concerning Dogs Running at Large" (H.P. 147) (L.D. 181)

Bill "An Act Concerning the Date by Which Dogs Must be Licensed" (H.P. 148) (L.D. 182)

Bill "An Act Concerning Minimum Wholesale Prices under the Maine Milk Commission Law" (H.P. 211) (L.D. 245)

Bill "An Act Relating to the Adulteration of Food" (H.P. 213) (L.D. 247)

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

Which were referred to the Committee on **AGRICULTURE** and **ORDERED PRINTED**.

Bill "An Act to Establish a Children's Emergency Shelter in the Rockland Area" (H.P. 214) (L.D. 248)

Bill "An Act to Establish a Fire Fighter Training Facilities Grant Program" (H.P. 152) (L.D. 186)

Bill "An Act to Complete the Maine Job Start Program Revolving Loan Fund" (H.P. 153) (L.D. 187)

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.

Resolve, to Reimburse David James McDaniel for Damages Suffered as a Result of Wrongful Imprisonment (H.P. 151) (L.D. 185)

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

On Motion by Senator **VIOLETTE** of Aroostook, referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Bill "An Act to Amend the Maine Consumer Credit Code" (H.P. 154) (L.D. 188)

Bill "An Act Relating to the Maine Self-Insurance Guarantee Association" (H.P. 215) (L.D. 249)

Comes from the House referred to the Committee on **BUSINESS AND COMMERCE** and **ORDERED PRINTED**.

Which were referred to the Committee on **BUSINESS AND COMMERCE** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Require the Posting of an American Flag Inside All Public School Classrooms" (H.P. 155) (L.D. 189)

Bill "An Act to Clarify the Use of Vocational-technical Institutes' Facilities by Others" (H.P. 156) (L.D. 190)

Bill "An Act to Modify the Laws Governing Certification of Educational Personnel" (H.P. 157) (L.D. 191)

Bill "An Act to Provide Teacher Professional Time During the School Day" (H.P. 158) (L.D. 192)

Bill "An Act Pertaining to Individual Teacher Contracts" (H.P. 159) (L.D. 193)

Bill "An Act to Prohibit School Administrative Units from Discriminating Against the Spouse of an Employee" (H.P. 160) (L.D. 194)

Bill "An Act to Increase Academic Learning Time" (H.P. 161) (L.D. 195)

Bill "An Act to Provide Teacher Recognition Grants for Private and Parochial Teachers" (H.P. 163) (L.D. 197)

Bill "An Act Relating to Conferring Degrees by the University of New England in Biddeford" (H.P. 216) (L.D. 250)

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

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

Bill "An Act to Establish the Department of Post-secondary Vocational-technical Education" (H.P. 162) (L.D. 196)

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

On motion by Senator **VIOLETTE** of Aroostook Tabled for 1 Legislative Day, pending **REFERENCE**.

Bill "An Act to Amend the Subdivision Law" (H.P. 164) (L.D. 198)

Bill "An Act to Extend the Shoreland Zone in some Municipalities" (H.P. 165) (L.D. 199)

Bill "An Act to Streamline Review of Road Construction in Unorganized Areas" (H.P. 166) (L.D. 200)

Comes from the House referred to the Committee on **ENERGY AND NATURAL RESOURCES** and **ORDERED PRINTED**.

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

Bill "An Act to Establish an Experimental Test for Control of Black Flies" (H.P. 142) (L.D. 176)

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

Comes from the House, referred to the Committee on **ENERGY AND NATURAL RESOURCES** and **ORDERED PRINTED**.

On motion by Senator **VIOLETTE** of Aroostook referred to the Committee on **ENERGY AND NATURAL RESOURCES** and **ORDERED PRINTED**, in concurrence.

Bill "An Act Relating to Restrictions on Firearms while Hunting with Bow and Arrow" (H.P. 168) (L.D. 202)

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 Allow Transmittal of Certificates of Illegitimate Births to Other Municipalities" (H.P. 169) (L.D. 203)

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

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

Bill "An Act to Permit Reasonable Visitation Rights for Grandparents when a Parent is Deceased" (H.P. 170) (L.D. 204)

Bill "An Act to Create a Cause of Action Against the State for Wrongful Imprisonment" (H.P. 171) (L.D. 205)

Bill "An Act to Redefine Deadly Force" (H.P. 172) (L.D. 206)

Bill "An Act to Provide for Living Wills" (H.P. 174) (L.D. 208)

Comes 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 Concerning Child Protective Services" (H.P. 173) (L.D. 207)

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

On motion by Senator **VIOLETTE** of Aroostook referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Bill "An Act to Increase Fairness to Workers' Compensation Claimants" (H.P. 176) (L.D. 210)

Bill "An Act to Incorporate Last Best Offer Provisions into the Municipal Public Employees Labor Relations Law for School Employees" (H.P. 177) (L.D. 211)

Bill "An Act Establishing a Cap on Workers' Compensation Increase" (H.P. 178) (L.D. 212)

Bill "An Act Relating to Maximum Benefits under the Workers' Compensation Act" (H.P. 179) (L.D. 213)

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

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

Bill "An Act to Restrict the Payment of Unemployment Compensation Benefits to Workers Who are on Strike" (H.P. 175) (L.D. 209)

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

The Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

Bill "An Act to Prohibit Notaries Whose Names are on the Ballot from Witnessing an Absentee Ballot or Registering Voters" (H.P. 180) (L.D. 214)

Bill "An Act to Remove the Requirement that Voters Outside the State Make a Written Request for an Absentee Ballot" (H.P. 181) (L.D. 215)

Bill "An Act Concerning Absentee Ballots and Voting in Person" (H.P. 182) (L.D. 216)

Bill "An Act to Remove the Reasons Required for Voting by Absentee Ballots" (H.P. 183) (L.D. 217)

Bill "An Act Concerning Absentee Voting by Persons Who are Working During the Time the Polls are Open" (H.P. 184) (L.D. 218)

Bill "An Act Concerning Absentee Voting by the Elderly" (H.P. 185) (L.D. 219)

Bill "An Act to Remove the Time Limit for Tabulating Election Returns and the Requirement for the Presence of the Municipal Officers" (H.P. 186) (L.D. 220)

Bill "An Act to Transfer the Power to Issue Concealed Weapon Permits to the Commissioner of Public Safety" (H.P. 187) (L.D. 221)

Bill "An Act to Repeal Provisions for Same Day Registration under the Election Laws" (H.P. 188) (L.D. 222)

Bill "An Act to Provide for Licensing of Bottle Clubs" (H.P. 189) (L.D. 223)

Bill "An Act to Require more Complete Disclosure of Campaign Contributions" (H.P. 217) (L.D. 251)

Come from the House referred to the Committee **LEGAL AFFAIRS** and **ORDERED PRINTED**.

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

Bill "An Act Concerning the Price Charged for Copies of Voting List Tapes" (H.P. 134) (L.D. 159)

Bill, "An Act Relating to Residency Requirements under the Election Laws." (H.P. 135) (L.D. 160)

Committee on **LOCAL AND COUNTY GOVERNMENT** suggested and **ORDERED PRINTED**.

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

On motion by Senator **VIOLETTE** of Aroostook referred to the Committee on **LEGAL AFFAIRS** and **ORDERED PRINTED**, in concurrence.

Bill "An Act Concerning Deliveries of Annual Estimates for County Taxes" (H.P. 190) (L.D. 224)

Bill "An Act to Eliminate the Requirement that County Tax Estimates and Notices of Public Hearings be Sent by Certified or Registered Mail" (H.P. 192) (L.D. 226)

Bill "An Act to Increase the Competitive Bidding Minimum for County Commissioner Purchases" (H.P. 193) (L.D. 227)

Bill "An Act to Provide County Commissioner Districts in Washington County" (H.P. 194) (L.D. 228)

Bill "An Act Regarding Official Refusal or Neglect of Duty" (H.P. 195) (L.D. 229)

Bill "An Act Concerning the Allocation of Costs Incurred for Incarceration in County Jails." (H.P. 219) (L.D. 253)

Resolve, to Require the Towns of Wilton and Temple to Establish a Line Between the 2 Towns which Complies with State Law (H.P. 191) (L.D. 225)

Come from the House referred to the Committee on **LOCAL AND COUNTY GOVERNMENT** and **ORDERED PRINTED**.

Which were referred to the Committee on **LOCAL AND COUNTY GOVERNMENT** and **ORDERED PRINTED**, in concurrence.

#### Senate at Ease

The Senate called to order by the President.

Bill "An Act to Repeal the Maximum Length Lobster Measurement" (H.P. 196) (L.D. 230)

Bill "An Act to Prohibit Diving for Scallops"

(H.P. 197) (L.D. 231)

Bill "An Act Concerning the Sale of Lobster Measures by the State" (H.P. 220) (L.D. 254)

Bill "An Act to Deputize National Marine Fisheries Service Officers and United States Coast Guard Personnel as Department of Marine Resources Marine Patrol Officers and Define Possession" (H.P. 221) (L.D. 255)

Bill "An Act to Authorize the Sale of Frozen Lobster Tails" (H.P. 231) (L.D. 272)

Come 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 to Establish the Director of the Maine State Housing Authority as a Nonvoting Commissioner of the State Authority" (H.P. 198) (L.D. 232)

Bill "An Act Designating the Maine Coon Cat as the State Cat" (H.P. 199) (L.D. 233)

Bill "An Act Pertaining to the Observance of Veterans Day" (H.P. 200) (L.D. 234)

Bill "An Act to Designate the 3rd Week in October as Maine Business Women's Week" (H.P. 201) (L.D. 235)

Bill "An Act Prohibiting Bond Issues of Less than \$2,000,000" (H.P. 202) (L.D. 236)

Bill "An Act to Designate 'Pertica quadrifaria' the Official Fossil of the State of Maine" (H.P. 222) (L.D. 256)

Bill "An Act Relating to Membership on the Board of Trustees of the Criminal Justice Academy" (H.P. 223) (L.D. 257)

Bill "An Act to Establish Alcohol Awareness Week" (H.P. 232) (L.D. 273)

Come from the House referred to the Committee on **STATE GOVERNMENT** and **ORDERED PRINTED**.

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

#### (Off Record Remarks)

Bill "An Act Concerning Widow's Exemptions for Local Property Taxes" (H.P. 203) (L.D. 237)

Bill "An Act Relating to an Increase in Cigarette Excise Tax" (Emergency) (H.P. 204) (L.D. 238)

Bill "An Act to Repeal the Unitary Tax" (H.P. 205) (L.D. 239)

Bill "An Act to Exempt Lobster Feed and Medication Necessary for the Lobster Pound Business from the State Sales Tax" (H.P. 206) (L.D. 240)

Bill "An Act to Repeal the Requirement that Certain Tax Information Appear on Local Property Tax Bills" (H.P. 207) (L.D. 241)

Come 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 Increase the Agent's Fee for Collection of Excise Tax in Unorganized Places" (H.P. 218) (L.D. 252)

Committee on **LOCAL AND COUNTY GOVERNMENT** suggested and **ORDERED PRINTED**.

Come 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.

Bill "An Act Relating to Legislative Plate Assignments Under the Motor Vehicle Laws" (Emergency) (H.P. 208) (L.D. 242)

Bill "An Act Concerning Expiration of Motor Vehicle Drivers' Licenses for Persons 65 Years of Age and Older" (H.P. 209) (L.D. 243)

Bill "An Act to Make Administrative Changes in Truck Weight Tolerances" (H.P. 224) (L.D. 258)

Bill "An Act to Prohibit the Tampering of Automobile Emission Controls" (H.P. 225) (L.D. 259)

Bill "An Act to Provide Standards for a Waiver of Set-back Requirements under the Transportation Law" (H.P. 226) (L.D. 260)

Bill "An Act Relating to Diesels and Diesel-electric Locomotives Operating in Reverse or Backup Positions" (H.P. 227) (L.D. 261)

Bill "An Act Concerning the Use of Seat Belts in School Buses" (H.P. 228) (L.D. 262)

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

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

Bill "An Act to Implement the Policy in Favor of Universal Telephone Service" (H.P. 210) (L.D. 244)

Come 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.

#### Study Report

##### Committee on **TRANSPORTATION**

Report of the Committee on **TRANSPORTATION** to which was referred the Study Relative to New General Registration Plate Issues have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act Relating to a New Registration Plate Issue" (H.P. 229) (L.D. 263)

Be referred to the Joint Standing Committee on **TRANSPORTATION** for Public Hearing and printed pursuant to Joint Rule 19.

Come from the House with the Report **READ** and **ACCEPTED**, and the accompanying Bill referred to the Committee on **TRANSPORTATION** and **ORDERED PRINTED**.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The accompanying Bill referred to the Committee on **TRANSPORTATION**, and **ORDERED PRINTED** pursuant to Joint Rule 19, in concurrence.

#### COMMUNICATIONS

The Following Communication:

##### THE SENATE OF MAINE OFFICE OF THE PRESIDENT

January 29, 1985

Hon. Joy J. O'Brien  
Secretary of the Senate  
State House Station # 3  
Augusta, Maine 04333

Dear Madam Secretary:  
Pursuant to Senate Rule 36, I have appointed the Following Senate Staff:

Molly Pitcher, Sergeant-at-Arms;  
Kevin McVey, Assistant Sergeant-at-Arms;  
Thomas Hickey, Doorkeeper;  
Marcia Hallett, Page;  
Susan Cyr, Page;  
James Gormely, Postmaster

Pursuant to Senate Rule 5, please be advised that I have appointed Paul Zendzian to serve as Legal Counsel to the President for the One Hundred and Twelfth legislative session.

Sincerely,  
S/Charles P. Pray  
President of the Senate

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

The Following Communication:

##### THE SENATE OF MAINE OFFICE OF THE SECRETARY

January 29, 1985

TO: Members of the Senate, 112th Legislature  
Pursuant to the Senate Order relative to appointment of subordinate officers of the Senate, this is to inform you that the President of the Senate has appointed the following individuals:

Carol Carothers, Executive Assistant  
Charles Mercer, Legislative Assistant  
Claudia Stepke, Executive Secretary  
Henry Lydon, Assistant Postmaster  
Stanley Gerzofsky, Senate Courier  
The Secretary of the Senate has appointed the following individuals:

Linda Howe, Reporter  
Barbara Towle, Assistant Reporter  
Theresa Morrison, Supply Clerk  
Jean Vashon, Stenographer  
Barbara Murray, Stenographer  
Debbie Vashon, Stenographer  
Kimberly Monaghan, Administrative Aide to the Secretary  
Linda Besaw, Senate Index Clerk  
Harriet Morris, Office Secretary  
Charlotte Clark, Office Secretary  
Timothy Plumer, Page

Thank you.

Sincerely,

S/JOY J. O'BRIEN

Secretary of the Senate

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

#### SENATE PAPERS

Bill "An Act to Implement the Recommendations of the State Compensation Commission" (Emergency) (S.P. 91) (L.D. 289)

Presented by Senator **PRAY** of Penobscot  
Which was referred to the Committee on **APPROPRIATIONS** and **FINANCIAL AFFAIRS** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Provide Optional Coverage for Speech-language Pathology and Audiology in Group Health Insurance" (S.P. 92) (L.D. 290) (Presented by Senator **KANY** of Kennebec) (Cosponsored by: Senator **HICHENS** of York, Representative **MICHAEL** of Auburn, Senator **MATTHEWS** of Kennebec)

Bill "An Act to Increase the Handling Fee for Returnable Containers" (S.P. 93) (L.D. 291) (Presented by Senator **TWITCHELL** of Oxford) (Cosponsored by: Representative **JACKSON** of Harrison)

Which were referred to the Committee on **BUSINESS AND COMMERCE** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Remove the Fees for Selling Out-of-State Hunting Licenses" (S.P. 100) (L.D. 298) (Presented by Senator **EMERSON** of Penobscot)

Which was referred to the Committee on **FISHERIES AND WILDLIFE** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act Concerning Municipal Burial Expenses" (S.P. 98) (L.D. 296) (Presented by Senator **CLARK** of Cumberland)

Committee on **HUMAN RESOURCES** suggested and **ORDERED PRINTED**.

On Motion by Senator **VIOLETTE** of Aroostook referred to the Committee on **LOCAL AND COUNTY GOVERNMENT** and **ORDERED PRINTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Bill "An Act Concerning Minimum Ordinary Death Benefits" (S.P. 94) (L.D. 292) (Presented by Senator **CARPENTER** of Aroostook) (Cosponsored by Senator **CHALMERS** of Knox)

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

On motion by Senator **VIOLETTE** of

Aroostook referred to the Committee on **AGING, RETIREMENT AND VETERANS** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act Relating to the Time of Penobscot Nation Trust Land Acquisition" (S.P. 99) (L.D. 297) (Presented by Senator **PEARSON** of Penobscot) (Cosponsored by: Representative **CASHMAN** of Old Town)

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

On motion by Senator **VIOLETTE** of Aroostook Tabled for 1 Legislative Day, pending **REFERENCE**.

Bill "An Act to Provide Local Regulation of Swimming Pool Fencing" (S.P. 95) (L.D. 293) (Presented by Senator **DOW** of Kennebec) (Cosponsored by: Senator **TWITCHELL** of Oxford)

Which was referred to the Committee on **LEGAL AFFAIRS** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Increase the Salary for the Judge of Probate for Cumberland County" (S.P. 103) (L.D. 301) (Presented by Senator **USHER** of Cumberland)

Which was referred to the Committee on **LOCAL AND COUNTY GOVERNMENT** and **ORDERED PRINTED**.

Sent down for concurrence.

Resolve, Authorizing the Conveyance of a Certain Unused Building and Land Owned by the State to the Town of Wells. (S.P. 97) (L.D. 295) (Presented by Senator **TUTTLE** of York) (Cosponsored by: Representative **McPHERSON** of Elliot) (Representative **WENTWORTH** of Wells)

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

Sent down for concurrence.

Resolve, Establishing a Commission to Study State and Local Property Taxes. (S.P. 96) (L.D. 294) (Presented by Senator **DIAMOND** of Cumberland) (Cosponsored by: Senator **TWITCHELL** of Oxford, Senator **PEARSON** of Penobscot)

Bill "An Act Permitting a Certified Tax Assessor, upon Reaching the Age of 62, to Attend School Every Other Year for 32 Hours Instead of 16 Hours Every Year" (S.P. 102) (L.D. 300) (Presented by Senator **ERWIN** of Oxford) (Cosponsored by: Representative **VOSE** of Eastport)

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

Sent down for concurrence.

Bill "An Act to Reimburse Public Utilities for the Costs of Relocating Facilities as a Result of State Highway Construction" (S.P. 101) (L.D. 299) (Presented by Senator **BALDACCI** of Penobscot)

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

Sent down for concurrence.

#### ENACTORS

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

An Act Relating to Potato Labeling (S.P. 59) (L.D. 85) (S "A" S-1)

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

Senator **CARPENTER:** Mr. President, Ladies and Gentlemen of the Senate, if I knew how to say that you're excused in French I would. Mr. President and Ladies and Gentlemen of the Senate—very briefly—this emergency Enactor that we are about to consider is one that I put in to try to assist some of the farmers in my areas, and I've briefly explained it, but I'll

quickly go over it again with you.

There has been some concern that I somehow subverted the process by not having a public hearing and there are some good reasons for that: one, because this is in my opinion simply a housekeeping matter, and secondly, because there is a real emergency situation that exists up there relative to a couple of farmers.

When I originally put the Bill in to require the potato containers be labeled as to the country of origin of the product inside, it was my intention to make sure that people knew what they were buying. Primarily I was aiming this—about 99% of the time—this problem was occurring with the big packers. The big packer have used up all their containers. They're not, probably, going to be affected by this legislation. However, as farmers are prone to do a few farmers have tucked away a few thousand or a few hundred thousand old potato bags; in the back forty, or in the woodshed, or in the attic, or in the cellar, or some place. Times are hard right now, they now are going and dragging out these containers and attempting to use them. These containers were purchased before my law went into effect; therefore, the bag company did not put on the bag the country of origin. It's simple enough to stamp (hand-stamp) paper bags, but if you have polyethylene bags, as one of my farmers does, a five pound polyethylene is impossible to hand-stamp, and one of my farmers had four-hundred thousand of them.

So simply what this Bill says, if you can show proof to the Department of Agriculture that these containers were purchased prior to the effective date of the law, that that supply of containers will be "grandfathered" and you'll be allowed to go ahead and put them out.

These people that I'm trying to help with this legislation are not in the business—have not been in the business—of repacking foreign goods (foreign produce). They primarily are the farmer-packer, the local person on the farm. So I would appreciate it very much if we could send this Bill on its way this morning down to the second floor. Thank you.

This being an emergency measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in negative, and 32 being more than two-thirds of the entire elected membership of the Senate was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

#### ORDERS OF THE DAY

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

Joint Order, An Expression of Legislative Sentiment recognizing Eleanor Nackley. (SLS 34)

Tabled—January 29, 1985, by Senator **VIOLETTE** of Aroostook  
Pending—**PASSAGE**

(In Senate, January 29, 1985, **READ**.)

On motion by Senator **BUSTIN** of Kennebec the Order was **INDEFINITELY POSTPONED**.

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

Senator **HICHENS:** Thank you, Mr. President.

We know Mama Baldacci is well known throughout the State. Those who pass through Bangor say "Oh, yes, that's where I ate. She has the reputation for food that is the best Italian dishes are supreme—as is so oft expressed. But this Mama Baldacci shares publicity, tis true. With a son who's on the Senate—so well known to all of you, Who is in his second Senate term—is in the public eye, And can't escape publicity, as much as he may try. As Committee Chair investigating P.U.C. Every move that he may take is destined to be the

subject of discussion by everyone concerned. The investigation costs throughout the State is learned. But Senator Baldacci takes all of this in stride and with those interested—he freely will confide but in the rush of our activities we pause to share sincere best wishes. The reason is—because on this January 30th—he starts another year of life; and so we wish for John—and let's all make it clear that this Bangor Senator will have the very best on his 30th Birthday—we know he'll meet each test that will be his to face—in the future, on life's way So join with me in wishing him a very happy day.

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Senator **HICHENS** of York was granted unanimous consent to address the Senate Off the Record.

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

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(Off Record Remarks)

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On motion by Senator **CLARK** of Cumberland.

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