

# 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  
 Friday  
 February 1, 1985  
 Senate called to order by the President.

Prayer by Father John Bellefontaine of the Sacred Heart Catholic Church in Hallowell.

FATHER BELLEFONTAINE: O God, You are our creator and conserver; therefore, the source of every blessing.

We turn to You this day asking You to favor our Senators: Help them appreciate more and more that each law is a proclamation of right reason for the common good; influence them as they seek out the valid interests of their own constituents to focus also on the ascetical of all legislation, universal justice; inspire them to study and pray that they may become more proficient in the art and science of government, thereby, rendering for all their people wiser and more just decisions; grant them contentment and joy as they exercise their exulted position laboring for the welfare of every citizen in our beloved State.

O Lord, we ask these blessings humbly and confidently through Christ, our Lord, Amen.

Reading of the Journal of Yesterday.

**PAPERS FROM THE HOUSE**  
**House Papers**

Bill "An Act Relating to Motorcycle Safety" (H.P. 261) (L.D. 315)

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.

**COMMUNICATIONS**

The Following Communication:

**MAINE STATE LEGISLATURE**  
**COMMITTEE ON JUDICIARY**

January 31, 1985

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 112th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Margaret Kravchuck of Bangor, as a District Court Judge.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators 3  
 Representatives 9  
 NAYS: 1 (Rep. Carrier of Westbrook)  
 ABSENT: 0

Twelve members of the Committee having voted in the affirmative and one in the negative, it was the vote of the Committee that the nomination of Margaret Kravchuck of Bangor as a District Court Judge be confirmed.

Sincerely,  
 S/Michael E. Carpenter  
 Senate Chair  
 S/Edward J. Kane  
 House Chair

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

**THE PRESIDENT:** The Joint Standing Committee on **JUDICIARY** has recommended that the nomination of Margaret Kravchuck be confirmed.

The pending question before the Senate is:

Shall the recommendation of the Committee on **JUDICIARY** be overridden: In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 112th Legislature, the vote will be taken by the yeas and nays. A vote of Yes will be in favor of overriding the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?  
 The Doorkeepers will secure the Chamber.  
 The Secretary will call the Roll.

**ROLL CALL**

YEAS:—Senators, None  
 NAYS:—Senators, Andrews, Black, Brown, Bustin, Carpenter, Chalmers, Clark, Diamond, Dow, Dutremble, Emerson, Erwin, Gauvreau, Hichens, Maybury, McBreaity, Najarian, Pearson, Perkins, Sewall, Shute, Stover, Tuttle, Twitchell, Usher, Webster, The President—Charles P. Pray

ABSENT:—Senators, Baldacci, Berube, Danton, Gill, Kany, Matthews, Trafton, Violette

No Senators having voted in the affirmative and 27 Senators having voted in the negative, with 8 Senators being absent, and None being less than two-thirds of the membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Margaret Kravchuck** was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

**SENATE PAPERS**

Bill "An Act Relating to County Extension Work in Maine" (S.P. 129) (L.D. 369) (Presented by Senator **BLACK** of Cumberland) (Cosponsored by: Representative **SHERBURNE** of Dexter, Senator **ERWIN** of Oxford, Representative **RIDLEY** of Shapleigh)

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

Bill "An Act to Amend the Law Relating to Regulation of Business Practices Between Motor Vehicle Manufacturers, Distributors and Dealers" (S.P. 126) (L.D. 366) (Presented by Senator **TRAFTON** of Androscoggin) (Cosponsored by: Representative **BRANNIGAN** of Portland)

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

Bill "An Act Establishing a Pilot Project to Provide Liaison to Families of Children with Special Needs Within the Department of Educational and Cultural Services" (S.P. 131) (L.D. 371) (Presented by Senator **KANY** of Kennebec) (Cosponsored by: Senator **HICHENS** of York, Senator **MATTHEWS** of Kennebec, Representative **McGOWAN** of Canaan)

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

Bill "An Act to Establish a Maine Wild Turkey Hunting Season" (S.P. 127) (L.D. 367) (Presented by Senator **DIAMOND** of Cumberland) (Cosponsored by: Representative **A. BROWN** of Gorham, Senator **PEARSON** of Penobscot)

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

Bill "An Act to Establish a Commission to Study the Defense of Insanity and Treatment of Persons Adjudged not Guilty by Reason of Insanity" (Emergency) (S.P. 130) (L.D. 370) (Presented by Senator **TUTTLE** of York) (Cosponsored by: Representative **CARRIER** of Westbrook, Senator **WEBSTER** of Franklin,

Representative **E. PARADIS** of Old Town)  
 Bill "An Act to Amend the Statute Providing for the Appointment of Clerks of Judicial Courts" (S.P. 125) (L.D. 365) (Presented by Senator **CARPENTER** of Aroostook) (Cosponsored by: Representative **KANE** of S. Portland, Senator **CHALMERS** of Knox)

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

Bill "An Act to Clarify the Status of Workfare Recipients under the Workers' Compensation Act" (S.P. 128) (L.D. 368) (Presented by Senator **CHALMERS** of Knox) (Cosponsored by: Representative **MANNING** of Portland, Senator **CARPENTER** of Aroostook, Representative **WILLEY** of Hampden)

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

Bill "An Act to Increase Fees for Beano and Games of Chance" (S.P. 123) (L.D. 363) (Presented by Senator **TUTTLE** of York) (Cosponsored by: Representative **McSWEENEY** of Old Orchard Beach, Representative **COTE** of Auburn) (Submitted by the Department of Public Safety pursuant to Joint Rule 24)

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

Bill "An Act to Allow the Use of Bid Bonds on State Highway Projects" (S.P. 124 L.D. 364) (Presented by Senator **DANTON** of York) (Cosponsored by: Representative **McPHERSON** of Eliot, Representative **CALLAHAN** of Mechanic Falls)

Bill "An Act to Authorize the Use of Blue Lights on Liquor Enforcement Vehicles" (S.P. 122) (L.D. 362) (Presented by Senator **TWITCHELL** of Oxford) (Cosponsored by: Representative **WALKER** of Norway, Representative **P. PARADIS** of Augusta, Representative **SPROUL** of Augusta)

Which were referred to the Committee on **TRANSPORTATION** and **ORDERED PRINTED**.  
 Sent down for concurrence.

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

(Off Record Remarks)

On motion by Senator **ANDREWS** of Cumberland  
**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:

**COMMUNICATIONS**  
 The Following Communication:  
**UNIVERSITY OF MAINE**  
**BUREAU OF PUBLIC ADMINISTRATION**  
 January 30, 1985

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

We are mailing to you under separate cover 40 copies of the annual report on the administration of the State Government Internship Program as required by the Maine State Statutes, Chapter 14, paragraph 294, for distribution to the Senate.

Sincerely,  
 S/KATHRYN H. GODWIN,  
 Director  
 Bureau of Public  
 Administration

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

**SENATE PAPERS**

Bill "An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Laws" (Emergency) (S.P. 141)

Which was referred to the Committee on **AUDIT AND PROGRAM REVIEW** and **ORDERED PRINTED**.

Sent down for concurrence.

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

**PAPERS FROM THE HOUSE****House Papers**

Bill "An Act Relating to Increases of Salaries for District Attorneys and Assistant District Attorneys" (Emergency) (H.P. 265) (L.D. 361)

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

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

Bill "An Act to Amend the Maine Community Services Act" (H.P. 266) (L.D. 336)

Comes from the House referred to the Committee on **AUDIT AND PROGRAM REVIEW** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Amend the Maine Spruce Budworm Management Act" (H.P. 267) (L.D. 337)

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

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

(See Action Later Today)

Bill "An Act Authorizing the Department of Inland Fisheries and Wildlife to Continue to Regulate the Harvest of Antlerless Deer" (H.P. 268) (L.D. 338)

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 Regulate Smoking in Retail Food Stores and Restaurants" (H.P. 269) (L.D. 339)

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 Concerning Good Time for Persons Convicted of Murder" (H.P. 270) (L.D. 340)

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

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

Bill "An Act to Require that Workers' Compensation Cases be Decided on their Merits" (H.P. 271) (L.D. 341)

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.

**Senate at Ease**

The Senate called to order by the President.

Bill "An Act Relating to Absentee Voting" (H.P. 272) (L.D. 342)

Bill "An Act Concerning Absentee Balloting by Persons 65 Years of Age or Older" (H.P.

273) (L.D. 343)

Bill "An Act to Amend the Election Laws" (H.P. 274) (L.D. 344)

Bill "An Act Concerning Notice to Wholesalers of Retail Liquor License Transfers" (H.P. 275) (L.D. 345)

Bill "An Act to Provide a Discount to Restaurants on the Sale of Alcoholic Beverages" (H.P. 277) (L.D. 347)

Bill "An Act Concerning the Use of False Identification to Procure Alcoholic Beverages" (H.P. 278) (L.D. 348)

Bill "An Act to Allow Absentee Voting in a Clerk's Presence" (H.P. 280) (L.D. 350)

Bill "An Act to Insure Competitive Equality for the Maine Liquor Industry" (H.P. 281) (L.D. 351)

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

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

Bill "An Act to Amend the Law Relating to the Installation of Smoke, Heat or Fire Detection Systems in Certain Hotels" (H.P. 276) (L.D. 346)

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

On motion by Senator **CLARK** of Cumberland referred to the Committee on **BUSINESS AND COMMERCE** and **ORDERED PRINTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Bill "An Act to Amend the Law Concerning Smoke Detectors in all Multiapartment Dwellings" (H.P. 279) (L.D. 349)

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

On motion by Senator **CLARK** of Cumberland referred to the Committee on **BUSINESS AND COMMERCE** and **ORDERED PRINTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Bill "An Act to Authorize a Self-liquidating Bond Issue for Waldo County for Renovation of and Addition to the Waldo County Court Facility" (Emergency) (H.P. 282) (L.D. 352)

Bill "An Act to Authorize a Self-liquidating Bond Issue for Waldo County to Construct Building to House County Extension Services" (H.P. 283) (L.D. 353)

Comes 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.

Bill "An Act to Phase Out the Sales and Use Tax on Energy Used in Manufacturing" (H.P. 284) (L.D. 354)

Bill "An Act to Provide Sales Tax Equity for Lessees of Depreciable Machinery and Equipment" (H.P. 285) (L.D. 355)

Bill "An Act to Allow all Disabled Veterans and Those 62 Years of Age to Receive a \$4,000 Property Tax Exemption" (H.P. 286) (L.D. 356)

Bill "An Act Concerning the Rate of Return on Investment Factor Under the Railroad Excise Tax" (H.P. 287) (L.D. 357)

Bill "An Act Concerning Just Property Valuation Under Veterans' Property Tax Exemptions" (H.P. 288) (L.D. 358)

Bill "An Act To Exempt from State of Maine Sales Tax Meals Prepared and Served in the Field by Licensed Guides and Whitewater Outfitters" (H.P. 289) (L.D. 359)

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 Amend the Electric Rate Reform Act to Explicitly Allow Conservation Activities by Gas Utilities" (H.P. 290) (L.D. 360)

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 Orders**

Expressions of Legislative Sentiment recognizing:

Dean Smith, a student at Foxcroft Academy and member of the basketball team, for scoring his 1,000th career point on January 17, 1985, while playing against Central High School; (HLS 66)

Which was **READ**.

On motion by Senator **CLARK** of Cumberland, Tabled until later in today's session, pending **PASSAGE**.

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

**PAPERS FROM THE HOUSE****Non-concurrent Matter**

Bill "An Act Relating to the Time of Penobscot Nation Trust Land Acquisition" (S.P. 99) (L.D. 297)

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

In Senate January 31, 1985, referred to the Committee on **LEGAL AFFAIRS** and **ORDERED PRINTED**.

Comes from the House, referred to the Committee on **JUDICIARY**, in **NON-CONCURRENCE**.

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

**House Papers**

Bill "An Act to Provide Technical Assistance to Water Utilities in Developing Ground Water Source Protection Plans" (H.P. 291)

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

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

**ORDERS OF THE DAY**

The President laid before the Senate:

An Expression of Legislative Sentiment recognizing:

Dean Smith, a student at Foxcroft Academy and member of the basketball team, for scoring his 1,000th career point on January 17, 1985, while playing against Central High School; (HLS 66)

Tabled—February 1, 1985, by Senator **CLARK** of Cumberland

Pending—**PASSAGE**  
(In House February 1, 1985, **READ** and **PASSED**.)

Which was **PASSED**, in concurrence.

On motion by Senator **PEARSON** of Penobscot, the Senate **RECONSIDERED** its action of earlier in today's session whereby it referred to the Committee on **ENERGY AND NATURAL RESOURCES** and **ORDERED PRINTED**:

Bill "An Act to Amend the Maine Spruce Budworm Management Act" (H.P. 267) (L.D. 337)

On motion by Senator **PEARSON** of Penobscot, Tabled for 1 Legislative Day, pending **REFERENCE**.

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

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

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(Off Record Remarks)

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

**ADJOURNED** until Tuesday, February 5, 1985, at 10 o'clock in the morning.

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