

# 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 8, 1985  
Senate called to order by the President.

Prayer by Father Gilbert Patenaude of the St. Francis Xavier Catholic Church in Winthrop.

FATHER PATENAUDE: Let us pray. Almighty and all loving God, whose wise and amiable providence guides all human events, be our light and counsel on this day.

We pray Thee to shower Thy blessings upon our President, our Governor, our Senators, our Representatives, upon all those who will have a part in this session. Give them light, wisdom and strength. Grant that they may be enlightened by Thy grace, and will always fulfill their duties to Thee and to their country.

O God, protector of all those who trust in Thee, without Whom, nothing is strong, nothing is holy, multiply towards us Thy manifold blessings, so that we may always work for Thy greater glory, and achieve peace, happiness and prosperity in our midst.

We ask this through Christ our Lord, Amen.

Reading of the Journal of Yesterday.

#### PAPERS FROM THE HOUSE

##### House Papers

Bill "An Act to Make Allocations from the Maine Coastal Protection Fund for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) (H.P. 339) (L.D. 456)

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 Regulating Transportation of Nonreturnable Beverage Containers into the State" (H.P. 326) (L.D. 454)

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

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

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

Bill "An Act to Transfer from the Bureau of Public Lands to the Baxter State Park Authority the Designation as the Agency of the State to Receive Funds Donated by Governor Percival P. Baxter" (H.P. 340) (L.D. 457)

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.

Bill "An Act to Establish the Stanwood Wildlife Sanctuary in the City of Ellsworth" (H.P. 332) (L.D. 455)

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

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.

Resolve, Creating the Commission to Study Emergency Medical Services in Maine (H.P. 341) (L.D. 458)

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 Facilitate the Settlement of Tort Claims of \$2,000 or less" (H.P. 343) (L.D. 460)

Committee on **STATE GOVERNMENT** suggested and **ORDERED PRINTED**.

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 Confirming and Ratifying the Transfer of Real Estate by the Ogunquit Beach District to the Ogunquit Village Corporation and Confirming the Right of the Town of Ogunquit to Permit the Use of a Portion thereof for Parking" (H.P. 342) (L.D. 459)

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

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

Bill "An Act to Establish the Department of Forestry" (H.P. 338) (L.D. 441)

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

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

Resolution, Proposing an Amendment to the Constitution of Maine to Permit the Governor to Veto Items Contained in Bills Appropriating Money and Retaining the Power within the Legislature to Override such Item Vetoes (H.P. 344) (L.D. 461)

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

On motion by Senator **VIOLETTE** of Aroostook referred to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **ORDERED PRINTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Bill "An Act to Simplify the Appointment of Directors to the Maine Municipal and Rural Electrification Cooperative Agency" (H.P. 345) (L.D. 462)

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 Resolution

The following Joint Resolution: H.P. 346  
**JOINT RESOLUTION MEMORIALIZING THE FEDERAL GOVERNMENT CONCERNING THE AWARD OF MILITARY CONTRACTS TO FOREIGN COMPANIES INSTEAD OF UNITED STATES FIRMS**

WE, your Memorialists, the House of Representatives and Senate of the State of Maine of the One Hundred and Twelfth Legislature, now assembled, most respectfully present and petition the United States Congress, as follows;

WHEREAS, in January of 1985, the Pentagon awarded a sizeable contract for the manufacture of a certain handgun to an Italian firm; and

WHEREAS, the Saco firm called Saco Defense Systems, also known as the Maremont Corporation, was in competition for this contract; and

WHEREAS, Maremont Corporation has a solid tradition of producing quality defense weapons and has always provided employment

for hundreds of workers at its Saco plant; and WHEREAS, it appears that the Pentagon gave insufficient consideration to the negative impact the awarding of this contract to the Italian firm would have on the jobs, economic conditions and daily lives of the men and women at the Saco plant now and in the future; now, therefore, be it

RESOLVED, That We, Your Memorialists, respectfully urge and petition the Congress of the United States to support legislation to require the Department of Defense to consider the economic impact that will result to a United States firm when deciding whether to contract with a foreign firm or a domestic firm and to make this consideration one of the factors in their decision-making process; and be it further

RESOLVED, That a duly authenticated copy of this Joint resolution be immediately submitted by the Honorable Secretary of State Rodney S. Quinn to the members of the Maine Congressional Delegation and to the United States Secretary of Defense.

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

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

#### COMMUNICATION

The Following Communication:

**THE SENATE OF MAINE  
OFFICE OF THE PRESIDENT  
AUGUSTA, MAINE 04333**

February 6, 1985

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

This is to notify you that pursuant to my authority under M.R.S.A. 3, Section 2-A, I have appointed Jane Roy, of Orr's Island, and Phillip Annis, of Dover Foxcroft, to serve on the State Compensation Commission.

Please let me know if you have any questions about these appointments.

Sincerely,  
S/ CHARLES P. PRAY  
President of the Senate

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

#### SENATE PAPERS

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1986 and June 30, 1987" (Emergency) (S.P. 176) (Presented by Senator **PEARSON** of Penobscot) (Cosponsored by: Representative **CARTER** of Winslow, Representative **LISNIK** of Presque Isle, Representative **C.W. SMITH** of Mars Hill) (Submitted by the Department of Finance and Administration pursuant to Joint Rule 24)

Bill "An Act to Make Additional Appropriations from the General Fund for the Fiscal Year Ending June 30, 1985" (Emergency) (S.P. 177) (Presented by Senator **PEARSON** of Penobscot) (Cosponsored by: Representative **CARTER** of Winslow, Representative **LISNIK** of Presque Isle, Representative **BELL** of Paris) (Submitted by the Department of Finance and Administration 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 to Establish a Bounty on Coyote" (S.P. 178) (Presented by Senator **TUTTLE** of York) (Cosponsored by: Representative **CONNORS** of Franklin, Representative **CLARK** of Millinocket)

Which was referred to the Committee on

**FISHERIES AND WILDLIFE and ORDERED PRINTED.**

Sent down for concurrence.

Bill "An Act Prohibiting Discrimination Against Medicaid Eligible Persons who Apply for Admission to Nursing Homes" (S.P. 179) (Presented by Senator **BERUBE** of Androscoggin) (Cosponsored by: Senator **NAJARIAN** of Cumberland, Senator **GILL** of Cumberland, Representative **MELENDY** of Rockland)

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

Sent down for concurrence.

Bill "An Act Relating to the Guardian Ad Litem in Proceedings Under the Child and Family Services and Child Protection Act" (S.P. 180) (Presented by Senator **GAUVREAU** of Androscoggin) (Cosponsored by: Representative **NELSON** of Portland, Representative **ALLEN** of Washington)

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

Sent down for concurrence.

Bill "An Act to Allocate Costs of Communications by Corporations and Membership Organizations Advocating the Election or Defeat of Candidates" (S.P. 181) (Presented by Senator **SEWALL** of Lincoln)

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

Sent down for concurrence.

Bill "An Act Concerning Fees Charged by Municipalities for Copies of Vital Records" (S.P. 182) (Presented by Senator **GILL** of Cumberland) (Cosponsored by: Senator **BERUBE** of Androscoggin, Representative **TAYLOR** of Camden, Representative **G.G. NADEAU** of Lewiston)

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

Sent down for concurrence.

Bill "An Act to Provide Greater Discretion to the Governor in Making Appointments to the Maine State Board of Nursing and to Require that this Board Contain at least 2 Representatives with Administrative and Supervisory Experience" (S.P. 183) (Presented by Senator **BUSTIN** of Kennebec) (Cosponsored by: Senator **BROWN** of Washington, Representative **BOUTILIER** of Lewiston, Senator **GILL** of Cumberland)

Bill "An Act to Create a Commission on the Financial Needs of Maine Small Business" (S.P. 184) (Presented by Senator **TUTTLE** of York) (Cosponsored by: President **PRAY** of Penobscot, Senator **BUSTIN** of Kennebec, Representative **H. MARTIN** of Van Buren)

Bill "An Act to Require the State to Comply with Municipal Ordinances Governing the Construction of Buildings" (S.P. 185) (Presented by Senator **ANDREWS** of Cumberland) (Cosponsored by: Representative **DILLENBACK** of Cumberland)

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

Sent down for concurrence.

Bill "An Act to Provide a Sales and Use Tax Exemption for Certain Organizations Providing Support to Alcoholics" (S.P. 186) (Presented by Senator **GILL** of Cumberland) (Cosponsored by Representative **ROLDE** of York, Senator **BUSTIN** of Kennebec, Representative **ERWIN** of Rumford)

Bill "An Act to Reform the Law Relating to Farm Equipment Sales Tax Exemption" (S.P. 187) (Presented by Senator **EMERSON** of Penobscot) (Cosponsored by: Representative **SHERBURNE** of Dexter, Representative

**CROUSE** of Caribou)

Bill "An Act Concerning Tax Exemptions for Certain Pollution Control Facilities" (S.P. 188) (Presented by Senator **USHER** of Cumberland) (Cosponsored by: Representative **O'GARA** of Westbrook, Representative **CASHMAN** of Old Town, Representative **MICHAUD** of Medway)

Bill "An Act to Permit any Municipality with a License Ordinance to Deny a License to any Person who is Delinquent in Paying Personal Property Taxes" (S.P. 189) (Presented by Senator **DANTON** of York) (Cosponsored by: Representative **McSWEENEY** of Old Orchard Beach, Representative **SALSBURY** of Bar Harbor)

Bill "An Act to Exempt Leased Farm Equipment from Use Tax" (S.P. 190) (Presented by Senator **EMERSON** of Penobscot) (Cosponsored by: Representative **SHERBURNE** of Dexter, Representative **CROUSE** of Caribou)

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

Sent down for concurrence.

Bill "An Act to Make the Photo Drivers License Discretionary" (S.P. 191) (Presented by Senator **SEWALL** of Lincoln)

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

Sent down for concurrence.

There being no objections all matters thus acted upon were ordered sent down forthwith in concurrence.

**COMMITTEE REPORTS****House****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 to Clarify the Negotiability of Insurance Under the Municipal Public Employees Labor Relations Act" (H.P. 61) (L.D. 79)

**Senate****Ought to Pass**

Senator **USHER** for the Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act Amending the Charter of the Androscoggin Reservoir Company" (S.P. 54) (L.D. 73)

Reported that the same **Ought to Pass.**

Which Report was **READ** and **ACCEPTED.**

The Bill **TOMORROW ASSIGNED FOR SECOND READING.**

**SECOND READERS**

The Committee on **Bills in the Second Reading** reported the following:

**House As Amended**

Bill "An Act to Extend the Maximum Length of Agreements in the University of Maine Labor Relations Act form 2 Years to 4 Years" (H.P. 17) (L.D. 15) (C "A" H-2)

Bill "An Act for the Town of Brownville to Acquire the Assets and Liabilities of the Brownville Junction Water District" (Emergency) (H.P. 51) (L.D. 57) (C "A" H-3)

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

**Senate**

Bill "An Act Relating to Conferring of Degrees by the Yacht Design Institute Schools" (S.P. 33) (L.D. 41)

Which was **READ A SECOND TIME.**

On motion by Senator **DANTON** of York, Senate Amendment "A" (S-2) **READ** and **ADOPTED.**

Which was **PASSED TO BE ENGROSSED,**

**as amended.**

Sent down for concurrence.

**ORDERS OF THE DAY**

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

Joint Order, Relative to the Joint Select Committee on Indian Affairs. (H.P. 306)

Tabled—February 7, 1985, by Senator **PEARSON** of Penobscot

Pending—**PASSAGE**

(In House February 6, 1985, **READ** and **PASSED.**)

(In Senate February 7, 1985, **READ.**)

On motion by Senator **VIOLETTE** of Aroostook Retabled Unassigned, pending **PASSAGE.**

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

Bill "An Act to Make Allocations from the Public Utilities Commission Regulatory Fund for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) (S.P. 170)

Tabled—February 7, 1985, by Senator **VIOLETTE** of Aroostook.

Pending—**REFERENCE**  
(Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested.)

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

Sent down for concurrence.

There being no objections all matters thus acted upon were ordered sent forthwith for concurrence.

On motion by Senator **CLARK** of Cumberland **RECESSED** until the sound of the Bell 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 Create a Consumer Toll-free 'Hotline' for Information, Referrals and Assistance Pertaining to Medigap Health Insurance Policies" (H.P. 347)

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 Allow Equitable Adjustments of Assessments for Members of the Maine Self-insurance Guarantee Association" (Emergency) (H.P. 350)

Bill "An Act Relating to Registration of Electrologist" (H.P. 351)

Come 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 Correct Oversights in the Teacher Recognition Grants" (H.P. 352)

Bill "An Act to Improve Teachers' Salaries" (H.P. 353)

Come 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 Provide More Direct Field Service Through the Division of Forest Management in the Department of Conservation" (H.P. 354)

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.

Bill "An Act Establishing a System for the Reporting of Selected Occupational Diseases" (H.P. 356)

Bill "An Act to Require the Reporting of Occupationally-related Cancers" (H.P. 357)

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

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

Bill "An Act to Create a New District for District Court" (H.P. 358)

Bill "An Act to Create a Maine Sentencing Guidelines Commission" (H.P. 359)

Bill "An Act to Exempt Clergy from Jury Duty" (H.P. 360)

Bill "An Act to Amend Certain Aspects of Post-conviction Review" (H.P. 361)

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 to Permit the Sale of Liquor on Days on Which Statewide General Election is Held" (H.P. 362)

Bill "An Act to Provide for Uniform Polling Times" (H.P. 363)

Bill "An Act to Provide Guidance to Municipal Officers in Granting and Denying Liquor Licenses for On-premise Consumption" (H.P. 364)

Bill "An Act to Clarify the Fire Prevention and Inspection Laws in Regard to Municipal Enforcement" (Emergency) (H.P. 365)

Come 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 Allow Sheriffs' Deputies to Hold Nonpartisan Local Elected Office" (H.P. 366)

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

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

Bill "An Act to Require Environmental Impact Studies Prior to the Granting of an Aquaculture Lease" (H.P. 367)

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

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

Bill "An Act to Divest State Money from Businesses Investing in South Africa and Namibia" (H.P. 368)

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

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

Bill "An Act to Allow Municipalities the Option of Charging Reasonable Service Charges on Certain Tax Exempt Property" (H.P. 369)

Bill "An Act Permitting Municipalities to Refuse to Renew Certain Licenses when the License has Failed to Pay Personal Property Tax" (H.P. 371)

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 Establish the Cost of the 1985 Spruce Budworm Suppression Project and to Provide Operating Funds for the Spruce Budworm Management Program" (Emergency) (H.P. 348)

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested.

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 Tri-axle Trucks Hauling Forest Products" (H.P. 372)

Resolve, to Name the Wiscasset Bridge the Donald E. Davey Bridge" (H.P. 373)

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.

On motion by Senator **CLARK** of Cumberland **ADJOURNED** until Tuesday, February 12, 1985 at 10 o'clock in the morning.