

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
February 13, 1985
Senate called to Order by the President.

Prayer by Dr. J.E. Shankel of the Maine District Church of the Nazarene in Augusta.

DOCTOR SHANKEL: Shall we pray! Almighty God, we pause in Your presence this morning; to invoke Your blessing upon the activities of this day, and also our Father, to praise You for Your goodness to each and everyone of us.

You have "breathed into our nostrils the breath of life." You have extended to us Your love through Jesus Christ, our Lord. You have sustained us by Your Grace to this very hour. You have given to us health and strength and the blessings of friendship. You have caused us, our Father, to have the joy and the privilege of living in a beautiful State and a free land. There is a disposition in our hearts today to reach out to You and to say "thank You" for Your goodness to we the children of men.

Our Father, we thank You also for the privileges that we enjoy and the responsibilities that each of us hold today. Along with those privileges there are awesome responsibilities to be discharged, and we recognize that unassisted, unaided, we are inadequate for the task. We are not deterred, for we recognize Your Word also declares to us that is we will "call upon You, You will answer us and show us great and mighty things that we know not." You have assured us that if we "cast our care on You, You would care for us." We thank You for this today.

Our Father, we want to do that which would be pleasing to the constituency that we represent; but most of all, we would do our work today so that it might be pleasing You, and having the confidence that when we have been pleasing to god, we shall also be pleasing to all mankind.

We ask Your blessing, O God, upon the President of this Senate today, that You would guide him as he endeavors to maneuver the business through the Legislative procedures and parliamentary responsibilities that are his.

Give to each Representative, each Senator in this Legislature today, a sense of the nearness of Your Guidance and through us to the glory of God, we shall praise You, because we ask it all in Jesus' Name. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE
Non-concurrent Matter

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) (L.D. 501)

In Senate February 8, 1985, referred to the Committee on **STATE GOVERNMENT** and **ORDERED PRINTED**.

Comes from the House, referred to the Committee on **BUSINESS AND COMMERCE** and **ORDERED PRINTED** in **NON-CONCURRENCE**.

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

House Papers

Bill "An Act to Make Allocations for the Administrative Expenses of the Bureau of Alcoholic Beverages, the Department of Finance and Administration and the State Liquor Commission for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) (H.P. 374) (L.D. 515)

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 Provide for Local Administration of the Emergency Assistance Program for Needy Families with Children" (H.P. 355) (L.D. 524)

Committee on **HUMAN RESOURCES** suggested.

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.

(See Action Later Today)

Bill "An Act to Require Motorcycle Liability Insurance to Include Passenger Coverage" (H.P. 382) (L.D. 526)

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 Increase the Daily Compensation of Substitute Teachers" (H.P. 375) (L.D. 516)

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 Regulate the Drilling of Wells" (H.P. 383) (L.D. 527)

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 Concerning Peer Review Immunity and Confidentiality of Records in the Fields of Dentistry and Dental Hygiene" (H.P. 377) (L.D. 518)

Bill "An Act to Locate the Supreme Judicial Court in the City of Augusta" (H.P. 378) (L.D. 519)

Bill "An Act to Restrict Contingency Fees Charged by Attorneys in Medical Malpractice Suits" (H.P. 384) (L.D. 528)

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 "Beano" or "Bingo" on Indian Reservations" (H.P. 376) (L.D. 517)

Committee on **JUDICIARY** suggested.

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 to Provide a Referendum to Abolish County Government and Authorize Reassignment of its Functions and Duties to Appropriate State and Municipal Agencies" (H.P. 379) (L.D. 520)

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 Amend the Municipal Development District Law" (H.P. 370) (L.D.

525)

Committee on **TAXATION** suggested.

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

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

Sent down for concurrence.

Bill "An Act to Regulate Harvesting Methods of Aquaculture Leases" (H.P. 385) (L.D. 529)

Comes 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.

Resolve, Establishing a Commission to Review Upper Management in State Government" (H.P. 380) (L.D. 521)

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.

Bill "An Act to Control the Growth of State Expenditures" (H.P. 386) (L.D. 530)

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.

SENATE PAPERS

Bill "An Act to Conform Maine Committee on Aging Legislation with the 1981 Older Americans Act Amendments" (S.P. 198) (L.D. 532) (Presented by Senator **GAUVREAU** of Androscoggin) (Cosponsored by: Representative **MANNING** of Portland, Senator **TRAFTON** of Androscoggin, Representative **HICKEY** of Augusta)

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

Sent down for concurrence.

Bill "An Act to Provide Free Choice Under Hospital Service Medical Service and Health Care Plans and Group and Blanket Insurance Policies by Including within the coverage of Such Plans and Policies Coverage for Chiropractic Services" (S.P. 200) (L.D. 534) (Presented by President **PRAY** of Penobscot) (Cosponsored by: Senator **BUSTIN** of Kennebec, Representative **L. HIGGINS** of Scarborough, Representative **J. DIAMOND** of Bangor)

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

Sent down for concurrence.

Bill "An Act to Adopt the Uniform Conservation Easement Act" (S.P. 201) (Presented by Senator **TRAFTON** of Androscoggin) (Cosponsored by: Senator **KANY** of Kennebec, Representative **H. HIGGINS** of Portland) Committee on **ENERGY AND NATURAL RESOURCES** suggested.

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

Sent down for concurrence.

Bill "An Act to Establish a Downeast Emergency Medical Services Regional Office to Serve Hancock and Washington Counties" (S.P. 199) (L.D. 533) (Presented by

Senator **BROWN** of Washington) (Cosponsored by: Senator **PERKINS** of Hancock, Representative **VOSE** of Eastport, Representative **FOSTER** of Ellsworth)

Bill "An Act to Establish a Division of Deafness within the Bureau of Rehabilitation" (S.P. 202) (Presented by Senator **HICHENS** of York) (Cosponsored by: Senator **KANY** of Kennebec, Senator **MATTHEWS** of Kennebec)

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

Sent down for concurrence.

Bill "An Act to Reenact Provisions for the Court, for Good Cause, to Hear Certain Contested Motions in Separation, Annulment or Divorce Proceedings Where There are Minor Children of the Parties Prior to Referring to Mediation" (Emergency) (S.P. 203) (Presented by Senator **CARPENTER** of Aroostook) (Cosponsored by: Representative **KANE** of S. Portland, Senator **SEWALL** of Lincoln, Senator **GAUVREAU** of Androscoggin)

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

Sent down for concurrence.

Bill "An Act to Recodify the Election Laws" (S.P. 205) (Presented by Senator **TRAFTON** of Androscoggin) (Cosponsored by: Representative **REEVES** of Pittston, Representative **RIOX** of Biddeford, Representative **PAUL** of Sanford)

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

Sent down for concurrence.

Bill "An Act to Add Real Property or Rent to the Definition of Theft of Services" (S.P. 204) (L.D. 535) (Presented by Senator **MAYBURY** of Penobscot) (Cosponsored by: Representative **HANDY** of Lewiston, Senator **BERUBE** of Androscoggin, Representative **E. MURPHY** of Berwick)

Committee on **LEGAL AFFAIRS** suggested and **ORDERED PRINTED**

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

Sent down for concurrence.

Bill "An Act to Require Deeds to Contain Mailing Addresses of Grantees" (S.P. 206) (Presented by Senator **KANY** of Kennebec) (Cosponsored by: Representative **BRAGG** of Sidney, Representative **DAGGETT** of Manchester, Representative **MOHOLLAND** of Princeton)

Committee on **LOCAL AND COUNTY GOVERNMENT** suggested.

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

Sent down for concurrence.

Bill "An Act Relating to Fishing by Net, Trap or Weir in the Waters of Union River Bay in Hancock County" (S.P. 207) (L.D. 536) (Presented by Senator **PERKINS** of Hancock) (Cosponsored by: Representative **FOSTER** of Ellsworth, Representative **CONNERS** of Franklin, Representative **CROWLEY** of Stockton Springs)

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

Sent down for concurrence.

Senate at Ease

The Senate called to order by the President.

COMMITTEE REPORTS

House

Ought Not To Pass

The following **Ought Not to Pass** report shall be placed in the Legislative Files without fur-

ther action pursuant to Rule 15 of the Joint Rules:

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)

Leave to Withdraw

The following **Leave to Withdraw** report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Resolution, Proposing an Amendment to the Constitution of Maine to Remove the Restriction that Prevents a Person from Serving more than 2 Consecutive Terms as Governor (H.P. 122) (L.D. 147)

(Off Record Remarks)

Ought to Pass

The Committee on **HUMAN RESOURCES** on Bill "An Act to Repeal the Statue Concerning Premarital Medical Examinations" (H.P. 42) (L.D. 48)

Reported that the same **Ought to Pass**. Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

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

The Committee on **MARINE RESOURCES** on Bill "An Act to Clarify Certain Penalty Provisions of the Marine Resources Laws" (Emergency) (H.P. 136) (L.D. 161)

Reported that the same **Ought to Pass**. Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

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

Senate Ought to Pass

Senator **DANTON** for the Committee on **TRANSPORTATION** on Bill "An Act to Amend the Motor Vehicle Inspection Law" (S.P. 23) (L.D. 27)

Reported that the same **Ought to Pass**. Which Report was **READ** and **ACCEPTED**.
The Bill **READ ONCE**.

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

Enactors

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:
An Act to Extend the Maximum Length of Agreements in the University of Maine Labor Relations Act from 2 Years to 3 Years (H.P. 17) (L.D. 15) (C "A" H-2)

Which was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

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

This being an emergency measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in negative, and 30 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:

Bill "An Act to Authorize Counties, Municipalities and Other Political Subdivisions to Purchase Deferred Compensation Instruments from Financial Institutions, Insurance Companies and Investment Firms" (H.P. 349) (L.D. 470)

Tabled—February 12, 1985, by Senator **VIOLETTE** of Aroostook.

Pending—**REFERENCE** (Committee on **BUSINESS AND COMMERCE** suggested.)

(In House, February 8, 1985, referred to the Committee on **STATE GOVERNMENT** and **ORDERED PRINTED**.)

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

Sent down for concurrence.

On motion by Senator **VIOLETTE** of Aroostook, the Senate **RECONSIDERED** its action of earlier in today's session whereby it referred to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **ORDERED PRINTED**:

Bill "An Act to Provide for Local Administration of the Emergency Assistance Program for Needy Families with Children" (H.P. 355) (L.D. 524)

Committee on **HUMAN RESOURCES** suggested.

(In House, February 12, 1985, referred to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** 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.

On motion by Senator **CLARK** of Cumberland, **ADJOURNED** until 10 o'clock tomorrow morning.