

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
Thursday
February 14, 1985
Senate called to order by the President.

Prayer by the Honorable Ronald E. Usher of Cumberland.

SENATOR USHER: Lord, give us Your blessings on this Valentine's Day as we enjoy all the beauty that surrounds us.

We ask that You watch over us as we act on the issues before us today that will affect our futures. Amen

(Off Record Remarks)

Reading of the Journal of Yesterday.

Out of Order and Under Suspension of the Rules;

On motion by Senator VIOLETTE of Aroostook, the following Joint Order (S.P. 208)

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, February 19, 1985, at 10:00 in the morning.

Which was READ and PASSED.

Sent down forthwith for concurrence.

The President requested the Sergeant-at-Arms to escort the Senator from Aroostook Senator VIOLETTE to the rostrum to assume the duties of President Pro-Tem.

The President took a seat on the floor of the Senate.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Shorten the Period which Members of the Maine State Retirement System Must Wait for the Refund of Accumulated Contributions" (H.P. 388) (L.D. 537)

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

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

Bill "An Act to Establish a Budget Stabilization Fund" (H.P. 389) (L.D. 538)

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 Increase the Limit on New School Bus Purchases" (H.P. 390) (L.D. 539)

Bill "An Act Concerning Renumeration for Substitute School Teachers" (H.P. 391) (L.D. 540)

Bill "An Act to Provide Faculty and Instructor Recognition Grants to Vocational-technical Institute Faculty and Instructors" (H.P. 392) (L.D. 541)

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 Concerning the Fee Charged for Agents Selling Fisheries and Wildlife Licenses" (H.P. 393) (L.D. 542)

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 Concerning the Posting of Bonds by Plaintiffs in Medical Malpractice Suits" (H.P. 394) (L.D. 543)

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 Amend Cable Television Franchise Procedures" (Emergency) (H.P. 381) (L.D. 522)

Committee on UTILITIES 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 Concerning the Minimum Wage for Minors" (H.P. 395) (L.D. 544)

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 Require 11 Days' Residence for Voter Registration" (H.P. 396) (L.D. 545)

Bill "An Act to Provide a License to Florists for Sale of Wine and Champagne in Connection with Floral Business" (H.P. 397) (L.D. 546)

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 Establish a State Clam Diving License" (H.P. 398) (L.D. 547)

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.

Bill "An Act to Prohibit Financing of Commercial Fishing Vessels under all Financing Programs of the Finance Authority of Maine" (H.P. 399) (L.D. 548)

Resolution, Proposing an Amendment to the Constitution of Maine Reducing the Size of the House of Representatives to 99 Members (H.P. 400) (L.D. 549)

Comes 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.

Bill "An Act Relating to Issuance of License Plates under the Motor Vehicle Laws" (H.P. 401) (L.D. 550)

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.

Study Report Committee on EDUCATION

Report of the Committee on EDUCATION to which was referred by the Legislative Council the Study Relative to Authority and Statutory Status of the Maine Secondary School Principals' Association, have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act Concerning Decisions on Student Eligibility to Participate in Interscholastic Activities" (H.P. 387) (L.D. 531)

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

Comes from the House with the Report READ and ACCEPTED, and the Bill referred to the Committee on EDUCATION and ORDERED PRINTED pursuant to Joint Rule 19.

Which Report was READ and ACCEPTED, in concurrence.

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

COMMUNICATION

The Following Communication:
112th MAINE LEGISLATURE
Augusta, Maine 04333

February 11, 1985

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

This is to notify you that pursuant to our authority under Joint Order, S.P. 65, we have today appointed the following to serve on the Joint Select Committee on Alcoholism Services:

Sen. Thomas Andrews, Senate Chair
Sen. Beverly Bustin
Sen. Barbara Gill
Sen. Thomas Perkins
Rep. Alfred Brodeur, House Chair
Rep. Neil Rolde
Rep. Polly Reeves
Rep. Laurence Connolly, Jr.
Rep. Stephen Bost
Rep. Joseph Mayo
Rep. Kenneth Matthews
Rep. Ruth Foster
Rep. Stephen Zirnkilton

Sincerely,

S/ CHARLES P. PRAY

President of the Senate

S/ JOHN L. MARTIN

Speaker of the House

Which was READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act to Make Allocations from the Transportation Safety Fund for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) (S.P. 210) (L.D. 568) Presented by Senator DOW of Kennebec Cosponsored by: Representative G.G. NADEAU of Lewiston, Representative C.W. SMITH of Mars Hill, Representative MCGOWAN of Canaan

Submitted by the Department of Finance and Administration pursuant to Joint Rule 24

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

Sent down for concurrence.

Resolve, to Address Special Education Needs of Learning Disabled Children (S.P. 211) (L.D. 569) Presented by Senator GILL of Cumberland Cosponsored by: Senator BROWN of Washington, Senator CLARK of Cumberland, Senator MAYBURY of Penobscot

Bill "An Act Concerning Alternatives to Attendance in Public Schools" (S.P. 212) (L.D. 570) Presented by Senator TRAFTON of Androscoggin Cosponsored by: Representative BOUTILIER of Lewiston

Which were referred to the Committee on EDUCATION and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Include the Mining of Sand, Fill or Gravel for Commercial Purposes under the Site Location of Development Law" (S.P. 213) (L.D. 571) Presented by Senator KANY of Kennebec Cosponsored by: Representative HOLLOWAY of Edgecomb, Senator USHER of

Cumberland, Senator **BROWN** of Washington
Which was referred to the Committee on
ENERGY AND NATURAL RESOURCES and
ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Amend the Maine Certificate
of Need Act to Require More Timely Decision
Making on the Part of the Department of
Human Services" (S.P. 214) (L.D. 572)
Presented by Senator **MATTHEWS** of Ken-
nebec Cosponsored by: Senator **GAUVREAU**
of Androscoggin, Senator **TUTTLE** of York,
Senator **PERKINS** of Hancock

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

Sent down for concurrence.

Bill "An Act to Amend the Adult Protective
Services Act" (S.P. 217) (L.D. 575) Presented
by Senator **BERUBE** of Androscoggin Cospon-
sored by: Representative **PINES** of Limestone,
Representative **MELENDY** of Rockland,
Senator **GILL** of Cumberland

Submitted by the Department of Human Ser-
vices pursuant to Joint Rule 24

Committee on **HUMAN RESOURCES** sug-
gested and **ORDERED PRINTED.**

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

Sent down for concurrence.

Bill "An Act to Amend the Probate Code to
Improve Guardianship and Conservatorship
Proceedings" (S.P. 218) Presented by Senator
CARPENTER of Aroostook Cosponsored by:
Representative **FOSTER** of Ellsworth,
Representative **ALLEN** of Washington, Senator
GAUVREAU of Androscoggin

Bill "An Act to Make Certain Housekeeping
Changes to the Maine Criminal Code" (S.P. 219)
Presented by Senator **CARPENTER** of
Aroostook Cosponsored by: Representative
KANE of S. Portland

Bill "An Act to Amend the Laws Relating to
Admission to the Bar" (S.P. 220) Presented by
Senator **CHALMERS** of Knox Cosponsored by:
Senator **CARPENTER** of Aroostook, Senator
GAUVREAU of Androscoggin, Representative
PRIEST of Brunswick

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

Sent down for concurrence.

Bill "An Act to Adjust the Compensation of
Committee Chairman" (S.P. 215) (L.D. 573)
Presented by Senator **TWITCHELL** of Oxford
Cosponsored by: Senator **ERWIN** of Oxford,
Representative **VOSE** of Eastport, Representa-
tive **JACQUES** of Waterville

Bill "An Act to Expedite Legislative Ses-
sions" (Emergency) (S.P. 216) (L.D. 574)
Presented by President **PRAY** of Penobscot

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

Sent down for concurrence.

Bill "An Act to Provide a Corporate Tax
Credit for Donations of Technological Equip-
ment to Educational Institutions" (S.P. 209)
(L.D. 567) Presented by Senator **TUTTLE** of
York Cosponsored by: Representative **MAT-**
THEWS of Caribou, Senator **GAUVREAU** of
Androscoggin, Representative **HANDY** of
Lewiston

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

Sent down for concurrence.

ORDER Joint Order

An Expression of Legislative Sentiment
recognizing:

Matthew Rossignol, a student at Van Buren
District High School and member of the Van

Buren High School Basketball Team, for scor-
ing his 2000th career point, on January 22,
1985; (SLS 59) Presented by Senator
VIOLETTE of Aroostook Cosponsored by:
Representative **H. MARTIN** of Van Buren,
Senator **CARPENTER** of Aroostook

Which was **READ.**

On motion by President **PRAY** of Penobscot,
Tabled until later in today's session, pending
PASSAGE.

COMMITTEE REPORTS

House

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:

Bill "An Act to Authorize Unemployment
Compensation for School Bus Drivers during
Summer Vacations" (H.P. 113) (L.D. 138)

Ought to Pass

The Committee on **AGRICULTURE** on Bill
"An Act Relating to the Registration of Soil
Amendments" (H.P. 15) (L.D. 13)

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.

Ought to Pass As Amended

The Committee on **LEGAL AFFAIRS** on Bill
"An Act to Amend the Laws Concerning Fire
Prevention and Protection" (H.P. 20) (L.D. 18)

Reported that the same **Ought to Pass as**
Amended by Committee Amendment "A"
(H-4).

Comes from the House, with the Report
READ and **ACCEPTED** and the Bill **PASSED**
TO BE ENGROSSED AS AMENDED BY
COMMITTEE AMENDMENT "A" (H-4).

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-4) **READ** and
ADOPTED, in concurrence.

The Bill as **Amended TOMORROW ASSIGN-**
ED FOR SECOND READING.

(Off Record Remarks)

SECOND READERS

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

House

Bill "An Act to Repeal the Statute Concern-
ing Premarital Medical Examinations" (H.P. 42)
(L.D. 48)

Bill "An Act to Clarify Certain Penalty Pro-
visions of the Marine Resources Laws"
(Emergency) (H.P. 136) (L.D. 161)

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

Senate

Bill "An Act to Amend the Motor Vehicle In-
spection Law" (S.P. 23) (L.D. 27)

Which was **READ A SECOND TIME** and
PASSED TO BE ENGROSSED.

Sent down for concurrence.

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

The President Pro-Tem requested the
Sergeant-at-Arms to escort the Senator from
Penobscot, Senator **PRAY** to the rostrum
where he resumed his duties as President.

The Sergeant-at-Arms escorted the Senator
from Aroostook Senator **VIOLETTE** to his seat

on the floor of the Senate.

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

THE PRESIDENT: The Chair would thank
the Senator from Aroostook, Senator
VIOLETTE for the very capable and well done
job as presiding officer this morning.

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

On motion by Senator **GILL** of Cumberland,
RECESSED until the sound of the Bell.

After Recess

The Senate called to order by the President.

(Off Record Remarks)

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Permitting Addresses to be Ob-
tained from State Tax Information and Used
for the Proper Operation of the Maine State
Retirement System" (H.P. 402) (L.D. 555)

Bill "An Act to Prevent Double Benefits for
the Same Period of Service, to Provide
Membership as of the Effective Date of First
Contributions and to Provide that Benefits be
Paid only to Members, their Dependents or
Beneficiaries" (H.P. 403) (L.D. 556)

Come from the House referred to the Com-
mittee 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 to Make Supplemental Alloca-
tions from the Transportation Safety Fund for
the Fiscal Years Ending June 30, 1986, and
June 30, 1987" (Emergency) (H.P. 404) (L.D.
557)

Bill "An Act to Make Additional Allocations
from the Federal Block Grant Fund for the
Fiscal Year Ending June 30, 1985" (Emergen-
cy) (H.P. 405) (L.D. 558)

Come from the House referred to the Com-
mittee on **APPROPRIATIONS AND FINAN-**
CIAL AFFAIRS and **ORDERED PRINTED.**

Which were referred to the Committee on
APPROPRIATIONS AND FINANCIAL AF-
FAIRS and **ORDERED PRINTED**, in
concurrence.

(Off Record Remarks)

Bill "An Act to Provide for Public Rest Rooms
in Eating Places" (H.P. 406) (L.D. 559)

Come from the House referred to the Com-
mittee on **BUSINESS AND COMMERCE** and
ORDERED PRINTED.

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

(Off Record Remarks)

Bill "An Act to Clarify the Law Enforcement
Responsibilities of the Forest Fire Control Divi-
sion" (H.P. 407) (L.D. 560)

Come from the House referred to the Com-
mittee 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 Modify and Update Certain
Laws Pertaining to Inland Fisheries and
Wildlife" (H.P. 408) (L.D. 561)

Come from the House referred to the Com-
mittee 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 Amending the Maine Juvenile Code to Allow the Attorney General to Exercise the Powers of a Juvenile Caseworker in Appropriate Cases" (H.P. 410) (L.D. 563)

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 Relating to Forcible Entry and Detainer Actions" (H.P. 409) (L.D. 562)

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

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 Clarify the Use of the Hand Fishing Scallop License" (H.P. 411) (L.D. 564)

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.

Bill "An Act to Provide for Termination or Nonrenewal of State Contract Funds to Private Nonprofit Organizations for Cause" (H.P. 412) (L.D. 565)

Bill "An Act to Provide for the 1985 Amendments to the Maine Housing Authorities Act" (Emergency) (H.P. 413)

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.

Bill "An Act to Protect Railroad Rights-of-way" (H.P. 414)

Bill "An Act to Require the Use of Seat Belts in Private Passenger Vehicles" (H.P. 415) (L.D. 566)

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 Concerning the Adoption and Implementation of Mandatory Local Measured Telephone Service" (H.P. 416)

Bill "An Act to Increase the Annual Public Utilities Commission Regulatory Fund Assessment and to Clarify the Current Statutes" (Emergency) (H.P. 417)

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

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

ORDERS OF THE DAY

The President laid before the Senate the Tabled and Later Today assigned matter:

A Joint Order recognizing Matthew Rossignol (SLS 59)

Tabled—February 14, 1985, by President **PRAY** of Penobscot

Pending—**PASSAGE**

In Senate February 14, 1985, **READ**.

Which was **PASSED**.

Sent down for concurrence.

The **ADJOURNMENT ORDER** having been returned from the House, **READ** and **PASSED**, in concurrence, on motion by Senator **CLARK** of Cumberland, **ADJOURNED** until Tuesday, February 19, 1985, at 10 o'clock in the morning.