

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**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  
Tuesday  
February 19, 1985  
Senate called to order by the President.

Prayer by Father Renald LaBarre of the St. Philip's Catholic Church in Auburn.

FATHER LABARRE: Let us pray! Almighty and everlasting God, who alone works great wonders; pour down upon us and upon all committed to our care the spirit of saving grace, that we may truly please You and grow under the continual grace of Your blessings. May we be the recipients of Your choicest favor, as we strive to use the time allocated to us for the growth and the welfare of Your people.

Look favorably, O Lord, upon the prayers we offer, for You are the giver of peace and lover of charity. May no plan of our leaders ever go astray, nor dream of civic improvement not come to fruition, nor prayer be in vain.

May our government leaders be ever faithful in the execution of their duty and responsibility, and be an inspiration in improving the quality of life of our citizenry.

Ever loving Father, stretch forth Your hand and bless them and us that as one, we may glorify Your Name, and injustice and peace build Your kingdom on earth. We ask this through Christ, our Lord. Amen.

Reading of the Journal of Thursday, February 14, 1985.

(Off Record Remarks)

#### COMMUNICATION

The Following Communication:

STATE OF MAINE  
DEPARTMENT OF LABOR  
BUREAU OF LABOR STANDARDS  
INDUSTRIAL SAFETY DIVISION  
STATE HOUSE STATION 82  
AUGUSTA, MAINE 04333

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

The Chapter 35 Resolve as approved by Governor Brennan on June 3, 1983 requires that the Bureau of Labor Standards report back to the Legislature a summary of the data and information collected, along with any rules promulgated.

Copies of the hearing summaries and the recommendations are being sent to you under separate cover for distribution to the Senators.

Sincerely,  
S/ MARVIN W. EWING  
Director, Bureau of  
Labor Standards  
Chairman, OSHA Board

Which was READ and with accompanying papers ORDERED PLACED ON FILE.

#### SENATE PAPERS

Bill "An Act to Reimburse the Unorganized Territory Education and Services Fund for Overcharges from 1978 to 1983" (S.P. 221) (L.D. 584) (Presented by Senator McBREAIRTY of Aroostook) (Cosponsored by: Representative CONNERS of Franklin, Senator TWITCHELL of Oxford, Representative H. MARTIN of Van Buren)

Bill "An Act Making Authorizations and Allocations Relating to Federal Block Grants for the Expenditures of State Government for the Fiscal Years Ending June 30, 1985, June 30, 1986, and June 30, 1987" (Emergency) (S.P. 222) (L.D. 585) (Presented by Senator DOW of Kennebec) (Cosponsored by: Representative CONNOLLY of Portland, Representative LISNIK of Presque Isle, Representative

FOSTER of Ellsworth) (Submitted by the Department of Finance and Administration pursuant to Joint Rule 24.)

Bill "An Act to Authorize an Arts Consultant in the Department of Educational and Cultural Services" (S.P. 223) (L.D. 586) (Presented by Senator CLARK of Cumberland) (Cosponsored by: Representative NELSON of Portland, Representative MATTHEWS of Caribou, Senator PERKINS of Hancock)

Bill "An Act Requesting Upgrading Fees Paid Providers of Dental Services under the Medical Assistance Program" (S.P. 228) (L.D. 590) (Presented by Senator GILL of Cumberland) (Cosponsored by: Representative MANNING of Portland, Senator BROWN of Washington, Representative T. MURPHY of Kennebunk)

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

Sent down for concurrence.

Bill "An Act to License Respiratory Care Practitioners" (S.P. 226) (Presented by Senator BUSTIN of Kennebec) (Cosponsored by: Representative GWADOSKY of Fairfield, Representative LEBOWITZ of Bangor)

Bill "An Act Relating to Prearranged Funerals or Burial Plans" (S.P. 224) (L.D. 587) (Presented by Senator GAUVREAU of Androscoggin) (Cosponsored by: Representative HANDY of Lewiston, Representative NICKERSON of Turner, Representative WARREN of Scarborough)

Bill "An Act to Amend the Maine Consumer Credit Code" (S.P. 225) (L.D. 588) (Presented by Senator BUSTIN of Kennebec)

Bill "An Act to Clarify the Authority of Non-profit Hospital and Medical Service Organizations to Make Incidental Indemnity Payments" (S.P. 230) (L.D. 592) (Presented by Senator PERKINS of Hancock) (Cosponsored by: Representative MURRAY of Bangor, Representative BRANNIGAN of Portland, Representative A. BAKER of Orrington)

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

Sent down for concurrence.

Bill "An Act to Protect Applicants for Admission to Nursing Homes from Unfair and Illegal Trade Practices" (S.P. 229) (L.D. 591) (Presented by Senator BUSTIN of Kennebec) (Cosponsored by: Representative CONNOLLY of Portland, Representative HAYDEN of Durham, Representative MELENDY of Rockland)

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

Sent down for concurrence.

Bill "An Act to Establish a Medicaid Budget Process" (S.P. 227) (L.D. 589) (Presented by Senator GILL of Cumberland) (Cosponsored by: Senator BERUBE of Androscoggin, Representative ROLDE of York, Representative BELL of Paris)

Committee on HUMAN RESOURCES suggested and ORDERED PRINTED.

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

Bill "An Act Requiring Treatment and Rehabilitation as a Condition for License Restoration when Convicted of Alcohol or Drug Related Vehicular Homicide" (S.P. 231) (L.D. 593) (Presented by Senator BUSTIN of Kennebec) (Cosponsored by: Senator PERKINS of Hancock, Representative ROLDE of York, Representative BELL of Paris)

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

Sent down for concurrence.

Bill "An Act to Outlaw "Happy Hour" in all Retail Establishments that have a Maine Liquor License" (S.P. 232) (L.D. 594) (Presented by Senator BROWN of Washington) (Cosponsored by: Senator HICHENS of York, Representative MICHAEL of Auburn, Representative RANDALL of East Machias)

Bill "An Act to Establish a Presidential Primary in the State of Maine" (S.P. 233) (L.D. 595) (Presented by Senator KANY of Kennebec) (Cosponsored by: Senator DUTREMBLE of York, Senator NAJARIAN of Cumberland, Representative WARREN of Scarborough)

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

Sent down for concurrence.

Bill "An Act to Extend the Date for Determining the Maine Tree Growth Tax Law Forest Land Values to Apply in 1985" (S.P. 234) (L.D. 596) (Presented by Senator TWITCHELL of Oxford) (Cosponsored by: Representative H. HIGGINS of Portland, Senator USHER of Cumberland, Representative MICHAUD of Medway) (Submitted by the Department of Finance and Administration pursuant to Joint Rule 24.)

Bill "An Act to Provide for an Income Tax Credit for Parents who Pay Private School Tuition" (S.P. 235) (L.D. 597) (Presented by Senator TUTTLE of York) (Cosponsored by: Senator HICHENS of York, Senator TWITCHELL of Oxford, Representative ZIRNKILTON of Mount Desert)

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

Sent down for concurrence.

#### COMMITTEE REPORTS

##### House

##### Leave to Withdraw

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

Bill "An Act to Restrict Moose Hunting to Bull Moose Only" (H.P. 104) (L.D. 129)

Bill "An Act Concerning Eligibility to Apply for a Moose Hunting Permit" (H.P. 129) (L.D. 154)

##### Ought to Pass

The Committee on EDUCATION on Bill "An Act to Amend the Community School District Committee's Ability to Make Additional Assessments" (H.P. 40) (L.D. 46)

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 TRANSPORTATION on Bill "An Act to Clarify the Authority of the Department of Transportation to Manage and Dispose of Property" (H.P. 96) (L.D. 116)

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.

#### SECOND READERS

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

##### House

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

Which was READ A SECOND TIME and

**PASSED TO BE ENGROSSED**, in concurrence.

**House As Amended**

Bill "An Act to Amend the Laws Concerning Fire Prevention and Protection" (H.P. 20) (L.D. 18) (C "A" H-4)

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

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

Senator **HICHENS**: Thank you, Mr. President. Although one of the recipients of my forthcoming masterpiece is not present this morning, I think the other one should be duly honored, so I would read this following poem to you, dedicated to both of these fine gentlemen:

Although twins necessarily are born on the same day  
 People sharing birthday dates aren't thought of the same way.  
 And here amongst us we have two who celebrate this date  
 Their birthday, and I'll tell you who they are if you can wait  
 A moment while I share with you some data on these two,  
 Who joined the Senate ranks last term, one moved up — one brand new  
 To Legislative duties, but was very quick to learn  
 What was expected of him as the wheels of State did turn.  
 As Agriculture Chairman he learned an awful lot  
 Concerning farming here in Maine — and oft was on the spot  
 In making hard decisions but he survived each test,  
 And of committee chairmen, he ranked among the best.  
 The other, though, much younger, showed wisdom on his part  
 In dealing with the problems that often he didn't start.  
 As Chair of Audit and Review — and its investigating  
 Of various departments — he earned a real high rating.  
 Now in this second term with us we can expect a lot  
 From each of these fine Senators who'll give us all they've got.  
 Although this Erwin's not named Sam and this Diamond is no jewel,  
 Join with them as they share today the date of birth renewal.  
 And wish for Windam's William and Rumford's smiling Ed,  
 The very best life has to give in the days that lie ahead.

Senator **PEARSON** 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.

(Off Record Remarks)

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

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