

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
 March 1, 1985
 Senate called to order by the President.

Prayer by Pastor Gerald J. Dennis of the Blessed Hope Assembly of God Church in Madison.

PASTOR DENNIS: Let me say first of all, I am very happy to be here to pray for the Senate of Maine. I appreciate the labors and the effort that you put forth for our State.

The Word of God tells us that, "If any of you lack wisdom, let him ask of God, giveth to all men liberally, and upbraideth not and it shall be given him." That's what I am going to pray for this morning. That God will give you wisdom to make your decisions. A lot of your decisions are based on moral issues, and I pray that the good Lord would just bless you with that wisdom from above.

Let's bow our heads! Heavenly Father, we come before You through Jesus, Your wonderful Son. Father, you see this Senate of Maine, and each and every heart and person that's here this morning. You know their very thoughts. You know their hearts. You know their convictions. You know Father, that these issues that are coming before them are important; a lot of them are moral. I would pray that you would give each one the wisdom and the freedom to base their decisions, not only politically, but morally within their own convictions and their own hearts. Father, I thank You for them.

I thank You for this Senate. I thank You for the good State of Maine. I thank You for those that are here laboring for the good of our State. I pray Father, that the decisions that come out of the Senate, God, would make our State a good moral State with high values and convictions, that God, our children would be able to be raised as good citizens of this great United States of America.

I thank You Father, and I thank You that you've given them wisdom from above this day to conduct the business of the State. In Jesus' Name. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Establish a Fund Concerning the Excavation, Repair, Maintenance and Cleanup of Underground Gasoline Storage Tanks" (S.P. 272) (L.D. 730)

In Senate February 27, 1985, referred to the Committee on **ENERGY AND NATURAL RESOURCES** and **ORDERED PRINTED**.

Comes from the House referred to the Committee on **AUDIT AND PROGRAM REVIEW** and **ORDERED PRINTED** in **NON-CONCURRENCE**.

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

Non-concurrent Matter

Bill "An Act to Provide Family Counseling and Legal Assistance in Cases of Alleged Child Abuse or Neglect" (H.P. 483) (L.D. 686)

In House February 26, 1985, referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED**.

In Senate February 27, 1985, referred to the Committee on **JUDICIARY** and **ORDERED PRINTED** in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED**.

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

(Off Record Remarks)

House Papers

Bill "An Act Defining the Right of Employees of Public Utilities to Testify before Legislative Committees and the Public Utilities Commission" (H.P. 514) (L.D. 719)

Committee on **STATE GOVERNMENT** suggested.

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.

SENATE PAPERS

Bill "An Act to Make Supplemental Allocations to the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1986 and June 30, 1987" (Emergency) (S.P. 335) (Presented by Senator **MATTHEWS** of Kennebec) (Cosponsored by: Representative **CLARK** of Millinocket. Representative **CONNERS** of Franklin, Representative **JACQUES** of Waterville) (Submitted by the Department of Finance and Administration pursuant to Joint Rule 24)

Which was referred to the Committee on **FISHERIES AND WILDLIFE** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Establish Pilot Indigency Screening Units for Court Appointed Counsel" (S.P. 336) (Presented by Senator **CARPENTER** of Aroostook) (Cosponsored by: Representative **KANE** of S. Portland, Senator **CHALMERS** of Knox, Senator **SEWALL** of Lincoln)

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

Sent down for concurrence.

Bill "An Act Concerning Land Conveyed by the State to the Town of Bridgton" (S.P. 337) (Presented by Senator **TWITCHELL** of Oxford) (Cosponsored by: Representative **JACKSON** of Harrison)

Which was referred to the Committee on **STATE GOVERNMENT** 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 Provide for the Recovery of Civil Damages from Shoplifters" (H.P. 16) (L.D. 14)

Bill "An Act to Prohibit Diving for Scallops" (H.P. 197) (L.D. 231)

Bill "An Act Pertaining to the Observance of Veterans Day" (H.P. 200) (L.D. 234)

Ought to Pass

The Committee on **AGING, RETIREMENT AND VETERANS** on Bill "An Act to Clarify Provisions Relating to Contributions by Participating Local Districts and to Provide for Collection of Delinquent Contributions" (H.P. 98) (L.D. 123)

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**.

(Off Record Remarks)

The Committee on **TRANSPORTATION** on Bill "An Act to Provide Standards for a Waiver of Set-back Requirements under the Transportation Law" (H.P. 226) (L.D. 260)

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**.

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

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

On motion by Senator **CLARK** 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:

ORDERS

Joint Resolution

On motion by Senator **CLARK** of Cumberland, Cosponsor: Representative **FOSS** of Yarmouth (Approved for introduction by a Majority of Legislative Council pursuant to Joint Rule 35) the following Joint Resolution: (S.P. 338)

JOINT RESOLUTION IN HONOR OF AMERICAN WOMEN

WHEREAS, American women of every race, class and ethnic background helped found the Nation in countless recorded and unrecorded ways as servants, slaves, nurses, nuns, homemakers, industrial workers, teachers, reformers, soldiers and pioneers; and

WHEREAS, American women have played and continue to play a critical economic, cultural and social role in every sphere of our Nation's life by constituting a significant portion of the labor force working in and outside of the home; and

WHEREAS, American women have played a unique role throughout our history by providing the majority of the Nation's volunteer labor force and have been particularly important in the establishment of early charitable philanthropic and cultural institutions in the country; and

WHEREAS, American women of every race, class and ethnic background served as early leaders in the forefront of every major progressive social change movement, not only to secure their own right of suffrage and equal opportunity, but also in the abolitionist movement, and emancipation movement, the industrial labor union movement and the modern civil rights movement; and

WHEREAS, despite these contributions, the role of American women in history has been consistently overlooked and undervalued in the body of American history; now, therefore, be it

RESOLVED: That We, the Members of the House of Representatives and the Senate of the 112th Legislature of the great and sovereign State of Maine, now assembled in First Regular Session, pause to reflect on the overlooked, undervalued role of the American women and pledge on the eve of "Women's History Week," beginning March 3, 1985, to recognize and observe appropriate changes which will aid women to gain their rightful place in the great body of American history,

Which was **READ** and **ADOPTED**.

Sent down forthwith for concurrence.

The Committee on **LOCAL AND COUNTY GOVERNMENT** on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the Year 1985 (Emergency)

(H.P. 544) (L.D. 756)

Reported that the same **Ought to Pass**, Pursuant to Joint Order: (H.P. 56)

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.

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

The Resolve **READ ONCE**.

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

The Committee on **LOCAL AND COUNTY GOVERNMENT** on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Hancock County for the Year 1985 (Emergency) (H.P. 545) (L.D. 757)

Reported that the same **Ought to Pass**, Pursuant to Joint Order: (H.P. 56)

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.

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

The Resolve **READ ONCE**.

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

The Committee on **LOCAL AND COUNTY GOVERNMENT** on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Sagadahoc County for the Year 1985 (Emergency) (H.P. 546) (L.D. 758)

Reported that the same **Ought to Pass** Pursuant to Joint Order: (H.P. 56)

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.

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

The Resolve **READ ONCE**.

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

The Committee on **LOCAL AND COUNTY GOVERNMENT** on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1985 (Emergency) (H.P. 547) (L.D. 759)

Reported that the same **Ought to Pass** Pursuant to Joint Order: (H.P. 56)

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.

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

The Resolve **READ ONCE**.

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

The Committee on **LOCAL AND COUNTY GOVERNMENT** on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Washington County for the Year 1985 (Emergency) (H.P. 548) (L.D. 760)

Reported that the same **Ought to Pass** Pursuant to Joint Order: (H.P. 56)

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.

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

The Resolve **READ ONCE**.

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

The Committee on **LOCAL AND COUNTY GOVERNMENT** on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1985 (Emergency) (H.P. 550) (L.D. 762)

Reported that the same **Ought to Pass** Pursuant to Joint Order: (H.P. 56)

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.

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

The Resolve **READ ONCE**.

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

Ought to Pass As Amended

The Committee on **TRANSPORTATION** on Bill "An Act to Permit a Vehicle to be Registered for the Gross Weight allowed by a Permit under the Motor Vehicle Laws" (H.P. 66) (L.D. 84)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-5)**.

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-5) AND HOUSE AMENDMENT "A" (H-6)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-5) was **READ** and **ADOPTED**, in concurrence.

House Amendment "A" (H-6) was **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **AGRICULTURE** on Resolve, Directing the Maine Milk Commission to Delay Implementation of Pricing Order 85-2 which Establishes Different Delivery Price Schedules for Milk at Wholesale" (Emergency) (H.P. 73) (L.D. 94)

Reported that the same **Ought to Pass in New Draft** under New Title, Bill "An Act to Eliminate Volume Determined Delivery Prices of Milk" (Emergency). (H.P. 320) (L.D. 431)

Signed:

Senators:

CARPENTER of Aroostook
BLACK of Cumberland
ERWIN of Oxford

Representatives:

BRAGG of Sidney
MICHAEL of Auburn
PARENT of Benton
CROUSE of Caribou
TARDY of Palmyra
LORD of Waterboro
WHITCOMB of Waldo
DAGGETT of Manchester
SHERBURNE of Dexter

The Minority of the same Committee on the same subject reported that the same **Ought to Pass in New Draft under New Title**, Resolve, Modifying Maine Milk Commission Order 85-2 to Remove Volume Discount Pricing (Emergency). (H.P. 321) (L.D. 432)

Signed:

Representative:

McCOLLISTER of Canton

Comes from the House with the Majority **Ought to Pass in New Draft Under New Title** (H.P. 320) (L.D. 431) Report **READ** and **ACCEPTED** and the Bill In New Draft Under New Title **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-7)**.

Which Reports were **READ**.

The majority **UGHT TO PASS IN NEW DRAFT UNDER NEW TITLE (H.P. 320) (L.D. 431)** Report was **ACCEPTED**, in concurrence.

The Bill in **NEW DRAFT under NEW TITLE READ ONCE**.

House Amendment "A" (H-7) was **READ** and **ADOPTED**, in concurrence.

The **NEW DRAFT as Amended, TOMORROW ASSIGNED FOR SECOND READING**.

Senate

Ought to Pass

Senator EMERSON for the Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act to Clarify the Enforcement of Private Septage Disposal Sites." (S.P.

16) (L.D. 9)

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

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

Senator SEWALL for the Committee on **BUSINESS AND COMMERCE** on Bill "An Act to Restrict the Number of Advertising Signs Which May be Displayed by Licensed Retailers" (S.P. 147) (L.D. 414)

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

Which Report was **READ** and **ACCEPTED**. The Bill **READ ONCE**.

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

Senator GILL for the Committee on **HUMAN RESOURCES** on Bill "An Act Relating to Radiation User Fees Under the Human Services Law" (S.P. 86) (L.D. 267)

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

Which Report was **READ** and **ACCEPTED**. The Bill **READ ONCE**.

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

ORDERS OF THE DAY

On motion by Senator VIOLETTE of Aroostook, the Senate removed from the Unassigned Table:

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

Tabled—February 8, 1985, by Senator VIOLETTE of Aroostook.

Pending—**PASSAGE**

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

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

On motion by Senator PEARSON of Penobscot.

Senate Amendment "A" (S-3) was **READ**. **THE PRESIDENT**: The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator PEARSON: Mr. President, this particular Amendment to the Order is an effort to include the Senate District that comprises Washington County, so that Senator Brown might serve on this, since he also represents a Passamaquoddy Tribe at Pleasant Point. Senate Amendment "A" (S-3) was **ADOPTED**.

The Joint Order was **PASSED, as Amended** in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator CLARK of Cumberland,

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