

# 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  
Friday  
March 22, 1985  
Senate called to Order by the President.

Prayer by the Honorable R. Donald Twitchell of Oxford.

**SENATOR TWITCHELL:** Let us pray. O Lord we ask that You guide us in all our work and that You grant us the strength, understanding and courage to act according to our principles in all things. Amen.

Reading of the Journal of Yesterday.

#### PAPERS FROM THE HOUSE

##### House Papers

Bill "An Act to Require Financial Responsibility and Insurance Provided before being Permitted to Operate a Motor Vehicle" (H.P. 767) (L.D. 1087)

Committee on **TRANSPORTATION** suggested.

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.

(Off Record Remarks)

Bill "An Act Concerning Snowmobile Registration Fund Distribution" (H.P. 755) (L.D. 1076)

Bill "An Act to Amend Certain Fish and Game Laws" (H.P. 756) (L.D. 1077)

Comes from the House referred to the Committee on **FISHERIES AND WILDLIFE** and **ORDERED PRINTED**.

Which were referred to the Committee on **FISHERIES AND WILDLIFE** and **ORDERED PRINTED**, in concurrence.

Bill "An Act Concerning the Operation of All Terrain Vehicles" (H.P. 766) (L.D. 1086)

Committee on **TRANSPORTATION** suggested.

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 to Provide Police Officers with Copies of Certain Laws" (H.P. 759) (L.D. 1079)

Bill "An Act Concerning the Serving of Liquor for On-premise Consumption in Certain Restaurants" (H.P. 760) (L.D. 1080)

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 Increase Fees for Licenses Issued by the Department of Marine Resources" (H.P. 761) (L.D. 1081)

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 Equity Among Municipalities with Regard to Property Tax Assessment" (H.P. 762) (L.D. 1082)

Bill "An Act to Allow Collection of the County Tax" (H.P. 763) (L.D. 1083)

Bill "An Act Relating to the Affixing of Indicia of Payment of Real Estate Transfer Tax"

(H.P. 764) (L.D. 1084)

Comes 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 Provide for Motor Vehicle Registration and Inspection at the Same Time" (H.P. 765) (L.D. 1085)

Bill "An Act Relating to Under-registration Violations" (H.P. 768) (L.D. 1088)

Comes 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.

#### SENATE PAPERS

Bill "An Act to Clarify the Laws Requiring Certification of Seed Potatoes" (S.P. 395) (Presented by Senator **ERWIN** of Oxford) (Cosponsored by: Representative **LISNIK** of Presque Isle, Representative **CROUSE** of Caribou) (Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 24)

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

Sent down for concurrence.

Bill "An Act to Clarify the Laws Regarding Peer Review Immunity Under the Maine Health Security Act" (S.P. 397) (Presented by Senator **VIOLETTE** of Aroostook) (Cosponsored by: Representative **NELSON** of Portland, Senator **BROWN** of Washinton)

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

Sent down for concurrence.

Bill "An Act Relating to Initial Plates under the Motor Vehicle Law" (S.P. 396) (Presented by Senator **DOW** of Kennebec) (Cosponsored by: Representative **WEYMOUTH** of West Gardiner) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

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

Sent down for concurrence.

Senator **CARPENTER** of Aroostook was granted unanimous consent to address the Senate On the Record.

Senator **CARPENTER:** Mr. President and Ladies and Gentlemen of the Senate, yesterday as you are all aware, after a great deal of debate and at least three votes in this Chamber and a number of votes in the other Chamber there was finally defeated a bill relative to Selective Service registration and college loans.

There was a story carried in the Gannett newspapers and what I am looking at here is a copy of that story from the *Waterville Morning Sentinel*. This particular copy was mailed to the *United Press International* here in the Statehouse and across the top of it somebody has typed this sentence: "Help a draft dodger join the Democratic party in the Maine Senate."

I am only standing up to very briefly say to that person or persons who sent that if they were listening or to the whole world, I don't think the vote here yesterday, certainly not the vote on my part which was to kill that bill represents a pro-draft dodging sentiment. Many of the people who spoke against that bill and voted against that bill, including myself, and the President of the Senate are Vietnam Veterans. The Senator from Penobscot, Senator Pearson, the Senator from Aroostook, Senator McBrair, the Senator from Cumberland, Senator Usher, I believe also a number of other

people who opposed the bill stood on the Floor of the Senate and said that in fact if they were in the position they might in fact favor some sort of a National Service, mandatory National Service, be it draft or military service or whatever.

I think that it is really sad that some people have such a narrow perspective. I do have a problem with somebody trying to label any one particular group. It was primarily the Democrats in this Chamber that voted against that bill with two exceptions I believe. I would point out however to the persons who feel this way, in the other Body of this Legislature the Democratic Party was overwhelmingly in favor of the bill. I don't think that it helps anybody to draw distinctions and try to label particular groups.

Much bad has been done in the name of patriotism, when you think of some of the atrocities that were perpetrated in Europe during World War II, and other things that have gone on in our own Country relative to the Vietnam War that were done in the so-called name of "Patriotism."

So I hope that people observing this process don't think that those of us who voted against this matter are anything less than patriotic. If anybody does feel that way then I would certainly hope that they would come forward and discuss this with the particular people involved.

I for one have consistently written in my newspaper column back home what my position was on this Bill. As a card carrying member of the Veterans of Foreign Wars, the American Legion, the Vietnam Veterans Leadership Project and the One Hundred and First Air Borne Division Association, I have yet to hear from one, I repeat from one of my constituents be they former military or otherwise who were upset with my position. I just thought that I wanted to put that on the Record. Thank you.

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

#### ENACTOR

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

#### Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1985 (H.P. 754) (L.D. 1060)

This being an emergency measure and having received the affirmative vote of 24 Members of the Senate, with No Senators having voted in the negative, and 24 being more than two-thirds of the entire elected membership of the Senate was **FINALLY PASSED TO BE ENACTED** and having been signed by the President was presented by the Secretary to the Governor for his approval.

Under suspension of the Rules sent forthwith.

#### 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 Allow Equitable Adjustments of Assessments for Members of the Maine Self-Insurance Guarantee Association" (Emergency) (H.P. 350) (L.D. 471)

Bill "An Act Prohibiting Banks from Imposing Fees Against the Accounts of Persons over 65 Years of Age" (H.P. 420) (L.D. 600)

#### Ought to Pass

The Committee on **AGING, RETIREMENT AND VETERANS** on 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)

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 **LOCAL AND COUNTY GOVERNMENT** on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Waldo County for the Year 1985 (Emergency) (H.P. 781) (L.D. 1075)

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 PRESIDENT:** Is it the pleasure of the Senate that Under Suspension of the Rules, the Resolve be given its Second Reading at this time?

It is a vote.

Under suspension of the Rules, the Resolve **READ A SECOND TIME** and **PASSED TO BE ENGROSSED** pursuant to Joint Order H.P. 56, in concurrence.

#### **Ought to Pass in New Draft**

The Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act to Streamline Review of Road Construction in Unorganized Areas" (H.P. 166) (L.D. 200)

Reported that the same **Ought to Pass in New Draft** under same title (H.P. 752) (L.D. 1058)

**Comes from the House, the Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED.**

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

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

The Bill in **NEW DRAFT TOMORROW ASSIGNED FOR SECOND READING**.

#### **Ought to Pass in New Draft under New Title**

The Committee on **AGING, RETIREMENT AND VETERANS** on Bill "An Act to Establish Eligibility for Burial on the Maine Veterans' Memorial Cemetery for Members of the Maine National Guard" (H.P. 90) (L.D. 110)

Reported the same **Ought to Pass in New Draft under New Title** Bill "An Act to Establish Eligibility for Burial in the Maine Veterans' Memorial Cemetery for Members of the Maine National Guard" (H.P. 769) (L.D. 1061)

**Comes from the House with the Report READ and ACCEPTED and the Bill, in NEW DRAFT under NEW TITLE, PASSED TO BE ENGROSSED.**

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

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

The Bill, in **NEW DRAFT under NEW TITLE, TOMORROW ASSIGNED FOR SECOND READING**.

#### **Senate**

##### **Ought to Pass As Amended**

Senator **TUTTLE** for the Committee on **LABOR** on Bill "An Act Concerning Salary Provisions for Automotive Industry Personnel" (S.P. 70) (L.D. 121)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (S-22)

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

Committee Amendment "A" (S-22) was **READ** and **ADOPTED**.

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

#### **SECOND READERS**

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

##### **House**

Bill "An Act Concerning the Shellfishing Industry" (H.P. 301) (L.D. 390)

Bill "An Act to Restrict the Payment of Unemployment Compensation Benefits to Workers Who are on Strike" (H.P. 751) (L.D. 1057)

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

##### **House As Amended**

Bill "An Act Making Appropriations to the State Planning Office to Conduct Inventories of Natural Areas Worthy of Preservation for the Fiscal Year Ending June 30, 1987 and to Authorize the State Planning Office to Charge for Publication" (H.P. 739) (L.D. 997) (H "A" H-27)

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

##### **Senate**

Bill "An Act to Change the Name of the University of Maine Blueberry Advisory Committee" (S.P. 107) (L.D. 322)

Bill "An Act to Amend the Statute Providing for the Appointment of Clerks of Judicial Courts" (S.P. 125) (L.D. 365)

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

Sent down for concurrence.

##### **Senate As Amended**

Bill "An Act to Amend the Maine Administrative Procedure Act to Require the Designation of Federal and State Statutes and Regulations" (S.P. 138) (L.D. 377) (C "A" S-20)

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

Sent down for concurrence.

Resolve, Authorizing the Conveyance of a Certain Unused Building and Land Owned by the State to the Town of Wells (S.P. 175) (L.D. 467) (C "A" S-21)

Which was **READ A SECOND TIME**.

On motion by Senator **KANY** of Kennebec the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (S-21).

**THE PRESIDENT:** The Senator has the floor.

Senator **KANY:** Mr. President I move the Indefinite Postponement of this Committee Amendment and ask to speak to my motion.

**THE PRESIDENT:** The Senator has the floor.

Senator **KANY:** Thank you, just to let the Senate know what is happening. The Bill is a "Resolve, Authorizing the Conveyance of a Certain Unused Building and Land Owned by the State to the Town of Wells."

The Committee decided that it would go along with the request for an emergency preamble so that such conveyance could take place very shortly, but our State Constitution does not allow an emergency preamble for such a bill. In fact our State Constitution precludes an Emergency Bill with a provision for the sale, purchase or renting for more than five years, of real estate.

On motion by Senator **KANY** of Kennebec Committee Amendment "A" (S-21) **INDEFINITELY POSTPONED**.

Which was **PASSED TO BE ENGROSSED**.

Sent down for concurrence.

Bill "An Act Relating to Agricultural Apprenticeship and Training" (S.P. 52) (L.D. 71) (C "A" S-19)

Which was **READ A SECOND TIME**.

On motion by Senator **DANTON** of York the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (S-19).

**THE PRESIDENT:** The Senator has the floor. Senator **DANTON:** Mr. President, I now offer Senate Amendment "A" and move its Adoption.

**THE PRESIDENT:** The Senator from York, Senator Danton offers Senate Amendment "A" (S-24) to Committee Amendment "A" (S-19).

Senate Amendment "A" (S-24) to Committee Amendment "A" (S-19) was **READ** and **ADOPTED**.

Committee Amendment "A" (S-19) as Amended by Senate Amendment "A" (S-24) thereto **ADOPTED**.

Which was **PASSED TO BE ENGROSSED, as Amended**.

Sent down for concurrence.

#### **ENACTORS**

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

An Act Concerning the Holidays on which Courts must Close (S.P. 48) (L.D. 64) (C "A" S-15)

An Act to Amend the Maine Spruce Budworm Management Act (H.P. 267) (L.D. 337) (C "A" H-19)

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

#### **Emergency**

An Act to Make Additional Allocations to the Department of Inland Fisheries and Wildlife for the Fiscal Year Ending June 30, 1985 (H.P. 635) (L.D. 903)

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

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

#### **COMMITTEE REPORTS**

##### **Senate**

##### **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 Require that Motor Vehicle Operators Turn on Their Headlights During Inclement Weather" (S.P. 80) (L.D. 175)

##### **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 Remove the Age Limitations for Apprenticeship Programs in the Maine Human Rights Act" (S.P. 53) (L.D. 72)

##### **Ought to Pass As Amended**

Senator **CARPENTER** for the Committee on **JUDICIARY** on Bill "An Act Relating to the Time of Penobscot Nation Trust Land Acquisition" (S.P. 99) (L.D. 297)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (S-23).

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

Committee Amendment "A" (S-23) **READ** and **ADOPTED**.

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

Out of order and under suspension of the

Rules, the Senate considered the following:

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act Concerning the Waiting Period for the Receipt of Unemployment Benefits" (H.P. 758) (L.D. 1078)

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.

**COMMITTEE REPORTS**

**Senate**

**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 Discourage Violation of Wildlife Laws" (S.P. 74) (L.D. 170)

**Ought to Pass**

Senator **MATTHEWS** for the Committee on **FISHERIES AND WILDLIFE** on Bill "An Act to Equalize Trapping Rights in Unorganized Territory" (S.P. 21) (L.D. 25)

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

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

The Bill **READ ONCE**.

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

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

**COMMITTEE REPORTS**

**Senate**

**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:

An Act to Reimburse Public Utilities for the Costs of Relocating Facilities as a Result of State Highway Construction" (S.P. 101) (L.D. 299)

Senator **BUSTIN** of Kennebec was granted unanimous consent to address the Senate On the Record.

Senator **BUSTIN**: Thank you, Mr. President. Mr. President and Ladies and Gentlemen of the Senate, I am doing this for a Senator who is missing today, Senator Hichens of York, who would like me to read something to you:

We now have one with us today who was born in '53 and in his thirty-two years — has a factor proved to be in working for less fortunate here in the State of Maine who suffer disabilities — are often prone to pain.

He wouldn't call them handicapped in the work that he has done for there's no such thing as handicap 'less you let it become one.

He joined the Legislative ranks as a Member of the House and in the minds of colleagues — much interest did arouse.

For the needs of those he strives to represent from day to day and on these certain issues he often had his say. He saw his chance to move up to the Senate Chamber here when Senate President Conley announced early last year that he would not be seeking his senate seat again and that his son would run to carry on the long-held Conley reign.

But this young man from Portland had other things in mind and on the streets in District 30 you were sure to find him going door to door meeting folks along the way and urging them to vote for him when it came Primary Day. The Democratic Leadership said Conley couldn't be beat but the one who sits with us today would not concede defeat: and when the votes were tallied had a clear-cut victory.

His dedication to his work we all can

plainly see. So on this 22nd Day of March please with me say

'Senator Tom Andrews have a Happy Day.'

'And may God Bless you as you strive to serve your fellow man in guiding and assisting them in every way you can.'

Happy Birthday.

Senator **DIAMOND** of Cumberland was granted unanimous consent to address the Senate, On the Record.

Senator **DIAMOND**: Thank you, Mr. President. Ladies and Gentlemen of the Senate, I would like to just bring to your attention briefly before we leave today an article that was in yesterday's paper regarding the saving of a life in Bangor by a medic on an ambulance unit.

That is fine and we all say that that is good and we appreciate that. They saved this person's life that had had a cardiac arrest with a defibrillator, which is a matter of providing an electric shock to the heart to get it going. The man's heart had stopped.

The Director of EMS (Emergency Medical Services) and our own DHS (Department of Human Services) have now said, this ambulance may lose its license to operate. So the obvious question is "Why?"

Well the reason is, that the ambulance attendant who is licensed to use this machine the entire ambulance unit has been told that they couldn't use their defibrillator. Why? Because they have too many people who need it.

Now the rule in the DHS is that if you have more than a certain number of folks who need your services in an ambulance group, either you get a second backup or you can't use it at all. Now that doesn't make sense to me but that is what it is. That is the rule.

Now if that were the only problem I wouldn't be standing before you taking your time. I think that that is a bad rule and we have to be aware of it. The problem is the message that this DHS Department is sending to all of our volunteer units around this State.

If we back up a moment, that ambulance attendant, had he not used that equipment, that person would have died. Common sense was interjected by the individual on the spot. He said, "I am told by Augusta I can't use this but if I don't the man dies." So he did.

Now, my concern, the message that I would send to all of your rescue units and all of mine and everywhere else around this State is that for goodness sakes do not let some of our bureaucratic rules and regulations intimidate you out there. You are doing a great job volunteer rescue units! Keep it up!

Please for heavens sakes if some one is dying and you have the equipment to save them and the rules say you can't save them because you have too many people who need the help, disregard the rule and we'll get it changed. Don't let someone die, as this person didn't. Thank you very much, Mr. President.

On motion by Senator **CLARK** of Cumberland, **ADJOURNED** until Tuesday, March 26, 1985, at 9 o'clock in the morning.