

# 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  
 Tuesday  
 March 26, 1985  
 Senate called to Order by the President.

Prayer by Rabbi Raymond Krinsky of The Beth Israel Synagogue in Waterville.

RABBI KRINSKY: Almighty God we pray your blessing upon these Senators as they proceed to develop anew the Legislative program of our State.

May they be imbued with courage born of their convictions, may they be inspired by the worthiness of the proposals that they initiate and the remedies that they prescribe, may they be encouraged by an alert constituency alive to their representative's concerns, may they be filled with compassion as they seek justice and insist on equality in the promulgation of our laws, may their efforts in this Legislature become a source of personal accomplishment for each of them as they confront the challenges and endure the frustrations which inhere in the public service to which they are committed. Amen.

Reading of the Journal of Friday, March 22, 1985.

(Off Record Remarks)

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

Bill "An Act Establishing Educational Scholarships for Children of Firefighters and Police Officers who Die in the Performance of Their Duty" (H.P. 478) (L.D. 681)

Committee on **EDUCATION** suggested and **ORDERED PRINTED**.

In House March 1, 1985, **ADHERED** to reference to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE**.

In Senate March 5, 1985, **ADHERED** to reference to the Committee on **EDUCATION** in **NON-CONCURRENCE**.

Recalled from the Legislative Files pursuant to Joint Order: (H.P. 770)

Comes from the House referred to the Committee on **EDUCATION** in **NON-CONCURRENCE**.

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

**House Papers**

Bill "An Act to Regulate Membership Camping" (H.P. 773) (L.D. 1094)

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 Provide for a Forest Camping Program" (H.P. 774) (L.D. 1095)

Bill "An Act to Investigate the Importation and Disposal of Solid Waste and Hazardous Waste in Maine" (H.P. 775) (L.D. 1096)

Comes from the House referred to the Committee on **ENERGY AND NATURAL RESOURCES** and **ORDERED PRINTED**.

Which were referred to the Committee on **ENERGY AND NATURAL RESOURCES** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Exempt Home-based Early Intervention and Prevention Services from Regulations Governing the Licensing and Functioning of Home Health Care Services" (Emergency) (H.P. 776) (L.D. 1097)

Comes from the House referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED**.

Which was referred to the Committee on

**HUMAN RESOURCES** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Encourage Retraction of Defamatory Statements" (H.P. 782) (L.D. 1115)

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 Provide for the Sale of Low-alcohol-content Liquor in Liquor Stores" (H.P. 783) (L.D. 1116)

Comes from 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 Related to the Observance of Memorial Day" (Emergency) (H.P. 777) (L.D. 1098)

Bill "An Act to Provide for Legislative Oversight Prior to the Implementation of Departmental Rules" (H.P. 784) (L.D. 1117)

Bill "An Act Providing for the 1985 Amendments to the Finance Authority of Maine Act" (H.P. 785) (L.D. 1118)

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 to Exempt State Agencies from the State Gasoline Excise Tax" (H.P. 786) (L.D. 1119)

Comes from the House referred to the Committee on **TAXATION** and **ORDERED PRINTED**.

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

Bill "An Act Concerning Handicapped Motor Vehicle Registration Plates or Placards" (H.P. 778) (L.D. 1099)

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.

Bill "An Act to Amend the Charter of the Bingham Water District" (H.P. 779) (L.D. 1100)

Bill "An Act to Limit Investments by Electric Companies in Certain Generating Facilities without Stockholder Approval" (H.P. 780) (L.D. 1101)

Comes 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.

**COMMUNICATIONS**

The Following Communication:

**STATE OF MAINE  
 DEPARTMENT OF LABOR  
 AUGUSTA, MAINE 04333  
 March 22, 1985**

The Honorable Charles P. Pray  
 President of the Senate  
 112th Legislature  
 Augusta, Maine 04333  
 Dear President Pray:

The Bureau of Labor Standards of the Department of Labor is required to report annually to the Legislature on its experience under the Chemical Substance Identification

Law, Title 26 MRSA, Chapter 22.

It is my pleasure to transmit to you and the Membership of the Senate the attached "Report of the Chemical Substance Identification Law" to the First Regular Session of the One Hundred and Twelfth Legislature which I am hereby submitting on behalf of the Director of the Bureau of Labor Standards pursuant to 26 MRSA s. 1726.

Sincerely yours,  
 S/ PATRICIA M. McDONOUGH  
 Commissioner

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

The Following Communication: S.P. 405  
**112th MAINE LEGISLATURE**

March 25, 1985

Senator Edgar E. Erwin  
 Representative John M. Michael  
 Chairpersons  
 Committee on Agriculture  
 112th Legislature  
 Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Sumner J. Goffin of Portland for appointment as a member of the Harness Racing Commission.

Pursuant to Title 8 MRSA Section 261, this nomination will require review by the Joint Standing Committee on Agriculture and confirmation by the Senate.

Sincerely,  
 S/ CHARLES P. PRAY  
 President of the Senate  
 S/ JOHN L. MARTIN  
 Speaker of the House

Which was **READ** and referred to the Committee on **AGRICULTURE**.  
 Sent down for concurrence.

**SENATE PAPERS**

Bill "An Act Concerning State Assistance to Areas Affected by Non-English Speaking Immigrants and Refugees" (S.P. 399) (L.D. 1109) (Presented by Senator **TUTTLE** of York) (Cosponsored by: Senator **GAUVREAU** of Androscoggin, Representative **HANDY** of Lewiston, Representative **ROLDE** of York)

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

Sent down for concurrence.

Bill "An Act to Conform Education Laws to the Personnel Grievance Procedure" (S.P. 400) (L.D. 1110) (Presented by Senator **GAUVREAU** of Androscoggin) (Cosponsored by: Representative **BOST** of Orono, Representative **O'GARA** of Westbrook, Representative **LAWRENCE** of Parsonsfield) (Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24)

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

Sent down for concurrence.

Resolve, Concerning a Study of the Impact of Residential Heating by Wood Stoves on Ambient Air Quality (S.P. 401) (L.D. 1111) (Presented by Senator **NAJARIAN** of Cumberland) (Cosponsored by: Representative **MICHAUD** of Medway, Representative **HOGLUND** of Portland, Representative **BELL** of Paris)

Which was referred to the Committee on **ENERGY AND NATURAL RESOURCES** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act Concerning Programs for the Homeless" (S.P. 402) (L.D. 1112) (Presented by Senator **GILL** of Cumberland) (Cosponsored by: Representative **MANNING** of Portland, Representative **NELSON** of Portland, Representative **CONNOLLY** of Portland)

Which was referred to the Committee on

**HUMAN RESOURCES and ORDERED PRINTED.**

Sent down for concurrence.

Bill "An Act Relating to Parental or Court Consent Prior to Performing an Abortion on a Minor" (S.P. 403) (L.D. 1113) (Presented by Senator HICHENS of York) (Cosponsored by: Representative P. PARADIS of Augusta, Representative SPROUL of Augusta)

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

Sent down for concurrence.

Bill "An Act to Restructure the Employees' Health Insurance Program and Include the Program within the Risk Management Division, Department of Finance and Administration" (S.P. 406) (Presented by Senator KANY of Kennebec) (Cosponsored by: Representative GWADOSKY of Fairfield, Representative DILLENBACK of Cumberland, Representative DESCOTEAUX of Biddeford) (Submitted by the Department of Finance and Administration pursuant to Joint Rule 24)

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

Sent down for concurrence.

Bill "An Act Relating to the Use of School Buses for Nonschool Activities when Operated by a Motor Carrier" (S.P. 404) (L.D. 1114) (Presented by Senator CLARK of Cumberland) (Cosponsored by: Senator BERUBE of Androscoggin, Senator GILL of Cumberland, Representative MACOMBER of S. Portland) (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.

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

**COMMITTEE REPORTS****House****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 Prohibit School Administrative Units from Discriminating Against the Spouse of an Employee" (H.P. 160) (L.D. 194)

**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 Revise the Lobster Fund" (H.P. 48) (L.D. 54)

Bill "An Act Relating to the Authority of the General Counsel of the Maine Public Utilities Commission" (H.P. 127) (L.D. 152)

**Ought to Pass**

The Committee on **LOCAL AND COUNTY GOVERNMENT** on Bill "An Act to Amend the Town Manager Plan Under the Municipal Law" (H.P. 132) (L.D. 157)

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 **ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.**

The Committee on **HUMAN RESOURCES** on Bill "An Act to Permit the Department of

Corrections to Accept Certain Categories of United States Prisoners" (H.P. 296) (L.D. 385)

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 **ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.**

**Ought to Pass As Amended**

The Committee on **STATE GOVERNMENT** on Bill "An Act to Require Legislative Confirmation of the Commissioner and the Director of the Maine State Lottery" (H.P. 315) (L.D. 404)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-29)**

Comes from the House, with the Report **READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-29).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-29) **READ and ADOPTED**, in concurrence.

The Bill **READ ONCE.**

Committee Amendment "A" (H-29) was **READ and ADOPTED**, in concurrence.

The Bill as **Amendment ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.**

**Divided Report**

The Majority of the Committee on **STATE GOVERNMENT** on Bill "An Act Designating the Maine Coon Cat as the State Cat" (H.P. 199) (L.D. 233)

Reported that the same **Ought Not To Pass.**

Signed:

Sensors:

KANY of Kennebec  
ANDREWS of Cumberland

Representatives:

LACROIX of Oakland  
HICHBORN of Lagrange  
COTE of Auburn  
NADEAU of Saco  
WENTWORTH of Wells  
SPROUL of Augusta  
GWADOSKY of Fairfield  
BOUTILIER of Lewiston  
DILLENBACK of Cumberland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass.**

Signed:

Senator:

HICHENS of York

Representative:

DESCOTEAUX of Biddeford

Comes from the House with the Minority **Ought To Pass** Report **READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED.**

Which Reports were **READ.**

On motion by Senator **VIOLETTE** of Aroostook Tabled until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT.**

**Senate****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 Concerning the Salaries of Certain Kennebec County Officers" (S.P. 279) (L.D. 737)

**Ought to Pass As Amended**

Senator **CARPENTER** for the Committee on **JUDICIARY** on 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) (L.D. 553)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-25).**

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

Committee Amendment "A" (S-25) **READ and ADOPTED.**

**THE PRESIDENT:** The Chair recognizes the Senator from Aroostook, Senator Carpenter.

**Senator CARPENTER:** Mr. President and Ladies and Gentlemen of the Senate. As you recall last year we enacted a fairly sweeping change in the way that we do divorces in the State of Maine and one particular provision of that change in the law was made to only be temporary until we could see how it worked.

The intent of the Legislature last year, I believe, was that prior to divorce all parties should attempt to work out their solutions under the guide of a mediator. We have a number of mediators in the State of Maine and I personally, both as a Legislator and a practitioner of the law, feel that the law has worked quite well. We have now encouraged, and I think in many cases actually enabled, divorcing couples not to put themselves into an adversarial position, but rather to get together with a skilled mediator and to work out many of the issues surrounding their divorce.

We did however allow for special circumstances where there were emergency situations where for good cause shown one party could get before a judge to allow for the temporary settlement of certain issues; who's going to live in the house, who's going to have custody of the children, who's going to have to pay support on a temporary basis until we can get to mediation.

In some parts of the State, for example in Aroostook County, mediation may take six weeks to arrange and there are situations where you have to go before a judge. This particular provision of the mediation law was scheduled to sunset the 15th of March. Thus, now before us is the Bill to reenact those provisions.

In the hearing on the Bill we discovered that some judges, and we had this told to us by judges, were saying that once a temporary motion was brought before them: "Well heck everyone was there they might as well go ahead and decide the issue, once and for all." This was not what we intended. We want mediation to work. We accept the fact that there are crisis situations where they have to go before a judge, that is what this Bill will attempt to do. This Bill will attempt, also, to say very clearly to the judges: "We want you to decide those issues for which good cause has been shown only on a temporary basis, and only those issues."

I am going to read now a statement prepared by Legislative Research into the Record. Then I would hope that we could suspend the rules and move this Bill along as it does have to be enacted by the 31st of March or this particular section of the law will expire.

Either myself or the other two members of the Judiciary Committee will be glad to answer any questions any Member of the Senate might have relative to this Bill as it goes on its way. I would hope that we could send it down to the other Body this morning forthwith, and get it back so we can have this enacted by the 31st.

"The amendment to L.D. 553 continues an exception to the divorce mediation legislation we enacted last year. The exception permits a court, for good cause, to hear motions for temporary relief in a divorce action (and I underline the words temporary relief in a divorce action) before referring the parties to mediation (I again emphasize the word "before" and it is not meant to avoid media-

tion, simply before the parties are referred to mediation.)

The amendment of L.D. 553 clarifies the exception enacted last year. It reiterated that the intent of the exception is:

1) That courts permit parties to have a contested hearing on a motion for temporary relief in a divorce action only when good cause is shown for not trying mediation first; and

2) That courts decide **only** the issues for which good cause for temporary relief is shown at these hearings.

The use of the exception to mandatory divorce mediation is to be in **emergency situations** to decide only those **limited issues** that must be decided on a temporary basis without the benefit of mediation. In this way the aim of the mandatory divorce mediation law will be preserved: divorcing parents of minor children will have their first court experience in a divorce action in a mediation session rather than a contested hearing."

That is what the committee decided unanimously should be the thrust of this law. Again, I think that the law is working very well considering it was a major change to the way that we handled divorces in Maine. We have developed some glitches but we will be examining those glitches as we go along. Therefore, I would hope that we could get this Bill through this morning. Thank you, Mr. President.

**THE PRESIDENT:** Is it the pleasure of the Senate to suspend the rules in order to give this Bill its Second Reading at this time?

It is a vote.

Under the suspension of the Rules, the Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED as Amended.**

Sent down forthwith for concurrence.

Senator **DANTON** for the Committee on **TRANSPORTATION** on Bill "An Act to Allow the Use of Bid Bonds on State Highway Projects" (S.P. 124) (L.D. 364)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-26).**

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

Committee Amendment "A" (S-26) **READ** and **ADOPTED.**

The Bill as Amended **ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.**

**Divided Report**

The Majority of the Committee on **LOCAL AND COUNTY GOVERNMENT** on Bill "An Act Concerning Fees Charged by Municipalities for Copies of Vital Records" (S.P. 182) (L.D. 500)

Reported that the same **Ought to Pass in New Draft** under same title. (S.P. 398) (L.D. 1108)

Signed:

Senators:

TUTTLE of York  
BALDACCI of Penobscot  
STOVER of Sagadahoc

Representatives:

ROTONDI of Athens  
MASTERMAN of Milo  
SMITH of Island Falls  
NICKERSON of Turner  
WENTWORTH of Wells  
DAGGETT of Manchester  
SALSBURY of Bar Harbor

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass.**

Signed:

Representatives:

McHENRY of Madawaska  
MURPHY of Berwick  
HALE of Sanford

Which Reports were **READ.**

The Majority **OUGHT TO PASS** in **NEW DRAFT** Report was **ACCEPTED.**

The Bill in **NEW DRAFT READ ONCE.**  
The Bill in **NEW DRAFT ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.**

**SECOND READERS**

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

**House**

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)

Bill "An Act to Streamline Review of Road Construction in Unorganized Areas" (H.P. 752) (L.D. 1058)

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)

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

**Senate**

Bill "An Act to Equalize Trapping Rights in Unorganized Territory" (S.P. 21) (L.D. 25)

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

Sent down for concurrence.

**Senate As Amended**

Bill "An Act Relating to the Time of Penobscot Nation Trust Land Acquisition" (S.P. 99) (L.D. 297) (C "A" S-23)

Bill "An Act Concerning Salary Provisions for Automotive Industry Personnel" (S.P. 70) (L.D. 121) (C "A" S-22)

Which were **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, as Amended.** Sent down for concurrence.

Senator **PERKINS** of Hancock was granted unanimous consent to address the Senate, Off the Record.

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, I'll be very brief this morning.

I happen to be fairly bursting with "Maine Pride" this morning. I just wanted to call the Senate's attention to something that happened the other night. I am sure that most of you are aware of it, but Sunday night there was an occasion that has never happened before in the State of Maine, that is, that I am aware of, and that is that a Maine college sports team was on National television other than when the Maine baseball team had gone to the World Series.

I wasn't able to see the game which may make me eligible for deportation from the State, but I suspect that many of you did, in talking to people around the Halls yesterday a lot of folks did. For those of you who aren't aware of it the University of Maine went down to Florida on its annual spring trip about three weeks ago scheduled to play twenty-one games against the finest college baseball talent in the Country.

This being in college baseball jargon: "the first year AS" which is the first year after Swift. After Bill Swift graduated they weren't expected to do very much. Once again the small miracle from Orono, John Winkin has "done it again." He has "done it again" with Maine kids which is what particularly makes this an institution and that is what it has become in the State of Maine, a real plus for the State of Maine.

The team went down, they played a number of games. They came back for the first time ever with a winning record, eleven wins and nine losses against the best talent in the Country. Sunday night in front of a National tele-

vision audience they defeated the number one team in the Nation. They did it with Maine kids, although the starting pitcher Scotty Moores was from Vermont, the winning run was scored by a young man from Brewer, whom I would point out was born in Houlton. The winning hit was delivered by a young man from Biddeford, a 5 ft. 6 in. freshman who a year ago was playing baseball for Biddeford High School. Six of the nine starters were from the State of Maine.

Once again, Dr. John Winkin and the UMO Black Bears have put the State of Maine on the map and I just think that they are to be congratulated. I am sure that Senator Pearson or Senator Maybury or somebody else will have a Joint Order in here recognizing their accomplishments, but I had so much pride in the whole affair that I just had to stand up and share it with you this morning. Thank you.

Senator **KANY** of Kennebec was granted unanimous consent to address the Senate, Off the Record.

On motion by Senator **KANY** of Kennebec **RECESSED** until 5 o'clock this afternoon.

After Recess

The Senate called to order by the President.

**THE PRESIDENT:** The Chair wishes to draw to the Senate's attention Joint Rule 22: "Reports of Committees. All bills and resolves referred to committee during any first regular session shall be reported from the committees by 1 p.m. on the last Friday of March."

**ENACTORS**

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

An Act to Allow the Department of Corrections to Release Certain Information Pertaining to its Inmates which is a Matter of Public Record (H.P. 35) (L.D. 37) (C "A" H-23)

An Act to Extend the Shoreland Zone in some Municipalities (H.P. 165) (L.D. 199) (C "A" H-25)

An Act to Clarify Accidental Death Benefits Payable to Spouses and Children of Members (H.P. 230) (L.D. 271) (C "A" H-21)

An Act to Assess the Impact of Agricultural Chemicals and Practices on Ground Water (H.P. 294) (L.D. 383) (C "A" H-24)

An Act to Clarify Restoration to Service Provisions for Recipients of Disability Allowances and Recipients of Retirement Allowances (H.P. 325) (L.D. 442) (C "A" H-22)

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 Establish the Cost of the 1985 Spruce Budworm Suppression Project and to Provide Operating Funds for the Spruce Budworm Management Program (H.P. 348) (L.D. 469) (S "A" S-18 to C "A" H-18)

This being an emergency measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in the negative, and 31 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.

**Emergency**

An Act Relating to Legislative Plate Assignments Under the Motor Vehicle Laws (H.P. 740) (L.D. 998)

This being an emergency measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in the negative, and 31 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.

#### Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Cumberland County for the Year 1985 (H.P. 753) (L.D. 1059)

This being an emergency measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in the negative and 31 being more than two-thirds of the membership present and voting, was **FINALLY PASSED**, 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 to Pass As Amended

Senator **CLARK** for the Committee on **AGING, RETIREMENT AND VETERANS** on Bill "An Act to Conform Maine Committee on Aging Legislation with the 1981 Older Americans Act Amendments" (S.P. 198) (L.D. 532)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-27)**

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

Committee Amendment "A" (S-27) **READ** and **ADOPTED**.

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

Senator **MATTHEWS** for the Committee on **FISHERIES AND WILDLIFE** on Bill "An Act to Establish a Maine Wild Turkey Hunting Season" (S.P. 127) (L.D. 367)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-28)**

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

Committee Amendment "A" (S-28) **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 to Amend the Town Manager Plan Under the Municipal Law" (H.P. 132) (L.D. 157)

Bill "An Act to Permit the Department of Corrections to Accept Certain Categories of United States Prisoners" (H.P. 296) (L.D. 385)

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

#### House As Amended

Bill "An Act to Require Legislative Confirmation of the Commissioners and the Director of the Maine State Lottery" (H.P. 315) (L.D. 404) (C "A" H-29)

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

##### Senate

Bill "An Act Concerning Fees Charges by Municipalities for Copies of Vital Records" (S.P. 398) (L.D. 1108)

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

Sent down for concurrence.

#### Senate As Amended

Bill "An Act to Allow the Use of Bid Bonds on State Highway Projects" (S.P. 124) (L.D.

364) (C "A" S-26)

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-26)

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

Senator **DANTON**: Mr. President, I offer Senate Amendment "A" to Committee Amendment "A" and move its Adoption.

**THE PRESIDENT**: The Senator from York, Senator Danton offers Senate Amendment "A" to Committee Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-29) to Committee Amendment "A" (S-26) **READ** and **ADOPTED**.

Committee Amendment "A" (S-26) as amended by Senate Amendment "A" (S-29) thereto, **ADOPTED**.

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

Sent down for concurrence.

#### ORDERS OF THE DAY

The President laid before the Senate the Tabled and Later Assigned matter:

**HOUSE REPORTS**—from the Committee on **STATE GOVERNMENT** on Bill "An Act Designating the Maine Coon Cat as the State Cat" (H.P. 199) (L.D. 233)

Majority Report—**Ought Not To Pass**

Minority Report—**Ought To Pass**

Tabled—March 26, 1985, by Senator **VIOLETTE** of Aroostook.

Pending—**ACCEPTANCE OF EITHER REPORT**

(In House, March 22, 1985, Minority **Ought To Pass** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

(In Senate, March 26, 1985, Reports **READ**.)

**THE PRESIDENT**: The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator **KANY**: Mr. President, I move Acceptance of the Majority **Ought Not to Pass** Report.

**THE PRESIDENT**: The Senator from Kennebec, Senator Kany moves acceptance of the Majority **Ought Not to Pass** Report.

The Chair recognizes the Senator from York, Senator Hichens.

Senator **HICHENS**: Mr. President and Members of the Senate, I hope that you'll vote against the motion to Accept the Majority **Ought Not to Pass** Report then after that Accept the Minority **Ought to Pass** Report.

This is not the most important bill that we've had or will have before this Legislative Session, but it is a significant bill to many people who are concerned about the State.

One Senator this morning expressed concern with cluttering up our law books, but this just adds two words to a section that has already been amended to include a fossil which was unanimously approved and signed by the Governor.

I have seen several aspects added during my time in the Legislature such as: insects, minerals, fish and so-forth. So I did a little research to find out how many other States have designated animals and trees. I would like to share them with you; 50 states have a state song, 50 states have a state tree, 50 states have a state flower, 50 states have a state bird, 16 have a state stone, 10 have a state mineral, 18 have a state fish and Florida has two, 14 have a gem, 3 states have a reptile, 20 states have a state animal and Wisconsin has three, 15 states have a state insect, 2 have a state fossil and Maine has been added to that, 3 have a state mammal Alabama has two, 2 have a state shell, 4 have a state beverage, 2 have dogs, 1 has a horse, 1 has a state grain, another has a state grass, four rather, 1 has a state fruit, 1 has a state rock, 1 has a state soil, 1 has a state poem and I might put that bill in another year to have a state poem, 1 has a state dish. They had a survey on Channel 6 not too long

ago and 79% of the people answering were in favor of having a State of Maine Coon Cat. Maine's motto is "I lead." This is our opportunity this afternoon to go along and enact this bill "to lead" by having a designated Maine Cat. A cat which is native to the State of Maine or has been for a great, great many years and is as native as any other animal, insect, fish, or whatever, that we have put on as a State representative.

I urge you to Accept the Minority **Ought to Pass** Report of the Committee after we kill this motion and adopt the Coon Cat as the official State Cat. The cat that we can call our native cat.

**THE PRESIDENT**: The pending motion is the motion by the Senator from Kennebec, Senator Kany to Accept the Majority **Ought Not to Pass** Report of the Committee.

The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator **KANY**: Mr. President and Members of the Senate, I have a feeling that this Bill is going to end up passing as a number of Senators have come to me and said that they have committed themselves and they hoped that I had no objection. I told each of them: "to tell you the absolute truth I could care less"

I, also, mentioned the reason why we ended up with an 11 to 2 **Ought Not to Pass** Report on this particular Bill. We heard this Bill before the State Government Committee and I originally intended to vote in favor of it because it was kind of positive, whimsical and light and it is nice to have something light before us occasionally. The more we thought about it most of us on the Committee decided that it was just a little too light and a little too much.

We do have many state designations now: one is a state fish, we have a state mineral, a state insect, a state flower, a state song, and we even have a state animal thanks to the good Senator from Kennebec, Senator Dow, who sponsored the state animal which is the state moose, we have a state tree, we have a state bird, we have a state fossil.

Our Committee which generally is the Committee to receive such legislation decided that we did not want to see: a state duck, a state horse, a state dog, a state sheep, a state goat, a state long legged bird, a state short legged bird, etc. All I ask is that if you decide to pass this and it is perfectly fine with me, I wouldn't blame you it is nice to have something light before you for a change but please, please do not refer any more of this type of legislation to the Committee on State Government. That is all that I ask. Please vote as you wish and have a nice day. Thank you.

**THE PRESIDENT**: The Chair will order a division. The pending question before the Senate is the motion of the Senator from Kennebec, Senator Kany to Accept the Majority **Ought Not to Pass** Report.

Will all those Senators in favor of Accepting the Majority **Ought Not to Pass** Report, please rise in their places and remain standing until counted.

Will all those Senators opposed, please rise in their places and remain standing until counted.

16 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion of Senator **KANY** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report **FAILED**.

The Minority **OUGHT TO PASS** Report was **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

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

**THE PRESIDENT**: The Chair notes that a greater number of the membership is present at this time and would like to comment again on Joint Rule 22 which is: "All bills and resolves referred to committee during any first regular session shall be reported from commit-

tees by 1 p.m. on the last Friday of March."

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

Senator **HICHENS**: Thank you, Mr. President.

There are many verses written that for rhyming words I lack and in keeping perfect rhythm, I often get off track so if I take advantage of the privilege to stack this poem with quick rhyming words — I hope I get no flack but today we have the birthday for one—that I can pack best wishes in a sort of way I seem to have a knack.

This gentlemen has joined our ranks. In joining us, did crack the long-time legislative terms of one who would come back as Senator, but with the voters wishes did not hack.

This life-long resident of Maine who answers not to Jack or seldom ever turns his head when someone hollers "Mac" he's proved to those who know him that he surely is no quack as a long-time dairy farmer—has piled hay upon the rack and loaded countless farm trucks with many a grain sack.

I've heard a lot of nicknames on him friends have tried to tack and his physical appearance shows he often likes to snack so before I say too much today and earn myself a whack I request that you all join me—so I won't just yack and yack in wishing Happy Birthday to our colleague, Henry Black.

On motion by Senator **BLACK** of Cumberland, **ADJOURNED** until 9 o'clock tomorrow morning.