

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
 April 23, 1985
 Senate called to Order by the President.

Prayer by The Honorable Ronald E. Usher of Cumberland.

Senator USHER: Lord what a beautiful morning. Day's like this are tough on atheists because it is almost impossible to not believe in You on a day beginning with such refreshing beauty.

Help us to preserve our environment, aid us to enhance ourselves, to appreciate our young, to learn from our aged and help us to protect those who differ.

Restore to health the father of our Speaker and lastly, Lord, a day that opens with such a show of gratitude let this day come to a close with sixteen and a half billion additional reasons for thanking You. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE
House Papers

Bill "An Act to Expand and Continue Alcoholism Treatment, Education, Prevention and Research Programs" (H.P. 951) (L.D. 1370)
 Joint Select Committee on **ALCOHOLISM SERVICES** suggested.

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.

COMMUNICATIONS

The Following Communication:
MAINE DEPARTMENT OF AGRICULTURE
FOOD AND RURAL RESOURCES
STATE HOUSE STATION 28
AUGUSTA, MAINE 04333
 April 17, 1985

The Honorable Charles P. Pray
 President of the Maine Senate
 State House
 Augusta, Maine 04333
 Dear Mr. President:

This 1985 report to the Maine State Legislature is submitted in response to legislation enacted in 1975 (P.L. c. 584; 7 MRSA §2, sub-§5). That law requires the Commissioner of Agriculture, Food and Rural Resources to annually recommend "methods of stimulating and encouraging the growth and modernization of agriculture enterprises in this State." Given the serious problems and major changes facing agriculture nationally, this charge to maintain and expand agriculture in Maine will be particularly challenging in the years to come.

During the past year, the Department of Agriculture, Food and Rural Resources has been implementing a number of new programs designed to deal with many of the needs and problems confronting Maine agriculture. In this report, we review recent accomplishments and describe the new initiatives we believe are necessary for the future.

Working together, farmers, agricultural leaders, the Department and members of the Maine State Legislature can meet today's challenges and use them to strengthen future prospects for agriculture in Maine. I look forward to that cooperative effort.

Sincerely,
 S/ STEWART N. SMITH
 Commissioner

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

COMMITTEE REPORTS

House
Ought Not To Pass

The following **Ought Not to Pass** reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to Regulate the Disposal of State Property" (H.P. 610) (L.D. 880)

Bill "An Act Concerning Interest on Subsidies Provided to Medical and Veterinary Students" (H.P. 653) (L.D. 923)

Bill "An Act to Amend the School Finance Law" (H.P. 509) (L.D. 714)

Bill "An Act Pertaining to Actions by the Board of Directors of Transit Districts" (H.P. 699) (L.D. 994)

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 Regarding the Executive Director of the Maine Health and Higher Educational Facilities Authority" (H.P. 608) (L.D. 878)

Bill "An Act Relating to Disposal of Property taken by the State" (H.P. 670) (L.D. 953)

Bill "An Act to Make Interference with the Delivery of Emergency Services a Crime" (H.P. 484) (L.D. 687)

Bill "An Act to Reinstate the Death Penalty" (H.P. 591) (L.D. 861)

Bill "An Act to Equalize the Treatment of State Deferred Compensation Plans Under the Insurance Premium Tax" (H.P. 317) (L.D. 406)

Resolution, Proposing an Amendment to the Constitution of Maine Concerning the Assessment of Property Taxes (H.P. 500) (L.D. 703)

Bill "An Act to Establish the Maine Protection of Pupil Rights Act" (H.P. 562) (L.D. 833)

Bill "An Act to Provide for the Funding of Public Transportation" (H.P. 622) (L.D. 912)

Senate

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 Establish an Advisory Committee on the Recommendation and Nomination of Judges" (S.P. 344) (L.D. 935)

Bill "An Act to Amend the Law Relating to Mileage and Compensation of Jurors" (S.P. 112) (L.D. 327)

Bill "An Act to Amend the Municipal Revenue Producing Facilities Act" (S.P. 254) (L.D. 649)

Bill "An Act to Except Maine Farm Produced Wine from the 15 cents Per Gallon Premium Tax" (S.P. 162) (L.D. 429)

Ought to Pass

Senator TWITCHELL for the Committee on **TAXATION** on Bill "An Act Concerning the Excise Tax on Malt Liqueur Sold for Consumption on Board a Ship Headed for a Foreign Port" (S.P. 317) (L.D. 806)

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

Off Record Remarks

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

Ought to Pass as Amended

Senator BERUBE for the Committee on **HUMAN RESOURCES** on Bill "An Act to Establish a Division of Deafness within the Bureau of Rehabilitation" (S.P. 202) (L.D. 552)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (S-53)

Which Report was **READ** and **ACCEPTED**.
 The Bill **READ ONCE**.
 Committee Amendment "A" (S-53) **READ**

and **ADOPTED**.

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

Senator TRAFTON for the Committee on **LEGAL AFFAIRS** on Bill "An Act to Recodify the Election Laws" (S.P. 205) (L.D. 576)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (S-52)

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

Committee Amendment "A" (S-52) **READ** and **ADOPTED**

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

Senator TUTTLE for the Committee on **LOCAL AND COUNTY GOVERNMENT** on Bill "An Act to Annex Certain Lands to the Town of Millinocket" (Emergency) (S.P. 280) (L.D. 738)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (S-54)

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

Committee Amendment "A" (S-54) **READ** and **ADOPTED**.

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

Ought to Pass in New Draft

Senator BERUBE for the Committee on **HUMAN RESOURCES** on Bill "An Act to Assure Advocacy Services for Children with Learning Disabilities" (S.P. 274) (L.D. 732)

Reported that the same **Ought to Pass in New Draft** under same title (S.P. 509 L.D. 1369)

Which Report was **READ** and **ACCEPTED**.
 The Bill in **NEW DRAFT READ ONCE**.

The Bill in **NEW DRAFT 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 Fair Credit Reporting Act" (H.P. 939) (L.D. 1345)

Bill "An Act to Allow School Administrative Units to Provide Services to Preschool Handicapped Students" (H.P. 944) (L.D. 1346)

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

House As Amended

Bill "An Act to Amend the School Volunteer Program" (Emergency) (H.P. 454) (L.D. 655) (H "A" H-80 to C "A" H-76)

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

ENACTORS

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

An Act to Provide a License to Florists for Sale of Wine and Champagne in Connection with Floral Business (H.P. 912) (L.D. 1303)

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

An Act to Appropriate Funds for the State Vietnam Veterans' Memorial (S.P. 290) (L.D. 779) (S "A" S-49 to C "A" S-48)

On motion by Senator PEARSON of Penobscot placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

Resolve

Resolve, Concerning Blackfly Control (H.P. 435) (L.D. 617) (C "A" H-73)

On motion by Senator PEARSON of

Penobscot placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **FINAL PASSAGE**.

Emergency

An Act to Preserve Affordable Telecommunications Equipment for Customers with Special Needs (S.P. 118) (L.D. 333)

This being an emergency measure and having received the affirmative vote of 25 Members of the Senate, with No Senators having voted in negative, and 25 being 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.

ORDERS OF THE DAY Unfinished Business

The following matters in the consideration of which the Senate was engaged at the time of Adjournment, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Senate Rule 29.

The Chair laid before the Senate Unfinished Business of April 22, 1985 at the time of Adjournment:

Emergency

An Act Concerning Persons on Partial Release from a Mental Health Institution (H.P. 856) (L.D. 1213) (S "A" S-47)

Tabled - April 19, 1985, by Senator **VIOLETTE** of Aroostook.

Pending - **ENACTMENT**
(In House, April 17, 1985, **PASSED TO BE ENACTED**.)

(In Senate, April 12, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-47)**.)

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with No Senators having voted in negative, and 26 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.

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

Emergency

An Act to Increase the Annual Public Utilities Commission Regulatory Fund Assessment and to Clarify the Current Statutes (H.P. 417) (L.D. 583) (C "A" H-67)

Tabled - April 22, 1985, by Senator **VIOLETTE** of Aroostook.

Pending - **PASSAGE TO BE ENACTED**
(In House, April 19, 1985, **PASSED TO BE ENACTED**.)

(In Senate, April 16, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-67)**, in concurrence.)

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Andrews.

Senator **ANDREWS:** Thank you, Mr. President. I just want to say for the Record that anyone who found Committee Amendment "A" to this L.D. 583 somewhat confusing, the placement of the Seasonal Legal Researchers in this L.D. belongs in the Personnel Services line and not in the All Other line. This has the concurrence of the Legislative Finance Office and the Bureau of the Budget. I just wanted to make it absolutely clear that those funds are coming from Personnel Services and not from All Other as it might appear from that Committee Amendment. Thank You.

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with No Senators having voted in negative, and 26 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.

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

Bill "An Act to Protect Lobster Gear" (H.P. 445) (L.D. 627)

Tabled - April 22, 1985, by Senator **VIOLETTE** of Aroostook.

Pending - **FURTHER CONSIDERATION**
(In House, April 17, 1985, Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

(In Senate, April 18, 1985, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.)

(In House, April 22, 1985, that Body **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.)

On motion by Senator **VIOLETTE** of Aroostook Tabled for 1 Legislative Day, pending **FURTHER CONSIDERATION**.

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

HOUSE REPORT - from the Committee on **LOCAL AND COUNTY GOVERNMENT** on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Lincoln County for the year 1985 (Emergency) (H.P. 927) (L.D. 1332)

Report - **OUGHT TO PASS** pursuant, to Joint Order: (H.P. 56)

Tabled - April 22, 1985, by Senator **VIOLETTE** of Aroostook.

Pending - **ACCEPTANCE OF COMMITTEE REPORT**

(In House, April 19, 1985, Report **READ** and **ACCEPTED** and the Resolve, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-75)**.)

(In Senate, April 22, 1985, Report **READ**.)
Which Report was **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

On motion by Senator **TUTTLE** of York, Senate Amendment "A" (S-55) to House Amendment "A" (H-75) was **READ** and **ADOPTED**.

House Amendment "A" (H-75) as Amended by Senate Amendment "A" (S-55), thereto **ADOPTED**, in **NON-CONCURRENCE**.

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

Off Records Remarks

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

ADJOURNED until 9 o'clock tomorrow morning.