

# 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  
Wednesday  
April 24, 1985  
Senate called to Order by the President.

Prayer by Reverend Trueman Bray of the Penny Memorial United Baptist Church in Augusta.

REVEREND BRAY: Let us pray. Eternal God, we come to Thee with prayers of thanksgiving for the blessing of this new day. It comes fresh from Thy hand like a clean slate upon which we may correct the errors and omissions of yesterday. We thank You for that daily sense of new beginning.

We thank You for our State. For its natural beauty and resources, for this corner of Your creation that so speaks of Your wonder and design, but mostly, we thank You for its people—our neighbors and our friends.

Bless this Body today. Help them to work, act, and decide in the light of the trusts that You have placed upon them. Free them from the arrogance of office that is the besetting sin of so many, and help them to know that to be a servant of the people is the noblest calling of all.

Give clarity in the issues of today, that the acts of these men and women may reflect Your mercy and concern for us all. Hear us this morning as we beseech Thee, not for the cleverness of our words, but for the sincerity of our hearts. In the Name of Christ, our Lord, we pray. Amen.

Reading of the Journal of Yesterday.

**COMMUNICATIONS**

The Following Communication: (S.P. 510)  
**112th MAINE LEGISLATURE**  
April 23, 1985

Senator Larry M. Brown  
Representative Ada K. Brown  
Chairpersons  
Committee on Education  
112th Legislature  
Augusta, Maine 04333  
Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Joyce Roach of Merrill for reappointment to the State Board of Education.

Pursuant to Title 20 MRSA Section 51, this nomination will require review by the Joint Standing Committee on Education 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 **EDUCATION**.  
Sent down for concurrence.

The Following Communication: (S.P. 511)  
**112th LEGISLATURE**  
April 23, 1985

Senator Larry M. Brown  
Representative Ada K. Brown  
Chairpersons  
Committee on Education  
112th Legislature  
Augusta, Maine 04333  
Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Frank J. Farrington of Bangor for appointment to the State Board of Education.

Pursuant to Title 20 MRSA Section 51, this nomination will require review by the Joint Standing Committee on Education 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 **EDUCATION**.  
Sent down for concurrence.

The Following Communication:

**STATE OF MAINE**  
**112th LEGISLATURE**  
**COMMITTEE ON JUDICIARY**  
April 23, 1985

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 112th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of F. Paul Frinsko of Portland, as a member of the Maine Indian Tribal-State Commission.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators 3  
Representatives 9

NAYS: 0

ABSENT: 1 (Rep. Carrier of Westbrook)  
Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of F. Paul Frinsko of Portland, as a member of the Maine Indian Tribal State Commission be confirmed.

Sincerely,  
S/ MICHAEL E. CARPENTER  
Senate Chair  
S/ EDWARD J. KANE  
House Chair

Which was **READ** and **ORDERED PLACED ON FILE**.

**THE PRESIDENT:** The Joint Standing Committee on **JUDICIARY** has recommended that the nomination of F. Paul Frinsko be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 112th Legislature, the vote will be taken by the yeas and nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?  
The Doorkeepers will secure the Chamber.  
The Secretary will call the Roll.

**Roll Call**

YEAS:—Senators, None.

NAYS:—Senators, Baldacci, Berube, Black, Brown, Bustin, Carpenter, Chalmers, Clark, Danton, Diamond, Dow, Emerson, Erwin, Gauvreau, Gill, Hichens, Kany, Matthews, Maybury, McBreairty, Najarian, Pearson, Perkins, Sewall, Shute, Stover, Tuttle, Twit-chell, Violette, The President—Charles P. Pray

ABSENT:—Senators, Andrews, Dutremble, Trafton, Usher, Webster.

No Senators having voted in the affirmative and 30 Senators having voted in the negative, with 5 Senators being absent, and None being less than two-thirds of the membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **F. Paul Frinsko** was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:  
**STATE OF MAINE**  
**112th LEGISLATURE**  
**COMMITTEE ON JUDICIARY**  
April 23, 1985

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 112th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Maynard Marsh of Gorham, as a member of the Maine Indian Tribal-State Commission.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators 3  
Representatives 9

NAYS: 0

ABSENT: (Rep. Carrier of Westbrook)  
Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Maynard Marsh of Gorham, as a member of the Maine Indian Tribal-State Commission be confirmed.

Sincerely,  
S/ MICHAEL E. CARPENTER  
Senate Chair  
S/ EDWARD J. KANE  
House Chair

Which was **READ** and **ORDERED PLACED ON FILE**.

**THE PRESIDENT:** The Joint Standing Committee on **JUDICIARY** has recommended that the nomination of Maynard Marsh be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 112th Legislature, the vote will be taken by the yeas and nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?  
The Doorkeepers will secure the Chamber.  
The Secretary will call the Roll.

**Roll Call**

YEAS:—None.

NAYS:—Senators, Baldacci, Berube, Black, Brown, Bustin, Carpenter, Chalmers, Clark, Danton, Diamond, Dow, Emerson, Erwin, Gauvreau, Gill, Hichens, Kany, Matthews, Maybury, McBreairty, Najarian, Pearson, Perkins, Sewall, Shute, Stover, Tuttle, Twit-chell, Violette, The President—Charles P. Pray

ABSENT:—Senators, Andrews, Dutremble, Trafton, Usher, Webster.

No Senators having voted in the affirmative and 30 Senators having voted in the negative, with 5 Senators being absent, and None being less than two-thirds of the membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Maynard Marsh** was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:  
**STATE OF MAINE**  
**112th LEGISLATURE**  
**COMMITTEE ON JUDICIARY**  
April 23, 1985

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 112th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Frederick B. Hurley of Wayne, as a member of the Maine Indian Tribal-State Commission.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators 3  
Representatives 9

NAYS: 0

ABSENT: (Rep. Carrier of Westbrook)

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Frederick B. Hurley of Wayne, as a member of the Maine Indian Tribal-State Commission be confirmed.

Sincerely,  
S/ MICHAEL E. CARPENTER  
Senate Chair  
S/ EDWARD J. KANE  
House Chair

Which was **READ** and **ORDERED PLACED ON FILE**.

**THE PRESIDENT:** The Joint Standing Committee on **JUDICIARY** has recommended that the nomination of Frederick B. Hurley be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 112th Legislature, the vote will be taken by the yeas and nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

#### ROLL CALL

YEAS:—Senators, None.

NAYS:—Senators, Baldacci, Berube, Black, Brown, Bustin, Carpenter, Chalmers, Clark, Danton, Diamond, Dow, Emerson, Erwin, Gauvreau, Gill, Hichens, Kany, Matthews, Maybury, McBreairty, Najarian, Pearson, Perkins, Sewall, Shute, Stover, Tuttle, Twitchell, Violette, The President—Charles P. Pray.

ABSENT:—Senators, Andrews, Dutremble, Trafton, Usher, Webster.

No Senators having voted in the affirmative and 30 Senators having voted in the negative, with 5 Senators being absent, and none being less than two-thirds of the membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Frederick B. Hurley** was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:  
**STATE OF MAINE**  
**112th LEGISLATURE**  
**COMMITTEE ON JUDICIARY**

April 23, 1985

The Honorable Charles P. Pray  
President of the Senate of Maine  
State House

Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 112th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Bonnie D. Post of Owl's Head, as a member of the Maine Indian Tribal-State Commission.

After public hearing and discussion on this

nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators 3  
Representatives 9

NAYS: 0

ABSENT: (Rep. Carrier of Westbrook)

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Bonnie D. Post of Owl's Head, as a member of the Maine Indian Tribal-State Commission be confirmed.

Sincerely,  
S/ MICHAEL E. CARPENTER  
Senate Chair  
S/ EDWARD J. KANE  
House Chair

Which was **READ** and **ORDERED PLACED ON FILE**.

**THE PRESIDENT:** The Joint Standing Committee on **JUDICIARY** has recommended that the nomination of Bonnie D. Post be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 112th Legislature, the vote will be taken by the yeas and nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

#### ROLL CALL

YEAS:—Senators, None

NAYS:—Senators, Baldacci, Berube, Black, Brown, Bustin, Carpenter, Chalmers, Clark, Danton, Diamond, Dow, Emerson, Erwin, Gauvreau, Gill, Hichens, Kany, Matthews, Maybury, McBreairty, Najarian, Pearson, Perkins, Sewall, Shute, Stover, Tuttle, Twitchell, Violette, The President—Charles P. Pray.

ABSENT:—Senators, Andrews, Dutremble, Trafton, Usher, Webster.

No Senators having voted in the affirmative and 30 Senators having voted in the negative, with 5 Senators being absent, and none being less than two-thirds of the membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Bonnie D. Post** was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:

**STATE OF MAINE**  
**112th LEGISLATURE**  
**COMMITTEE ON ENERGY AND**  
**NATURAL RESOURCES**

April 23, 1985

The Honorable Charles P. Pray  
President of the Senate of Maine  
State House

Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 112th Maine Legislature, the Joint Standing Committee on Energy and Natural Resources has had under consideration the nomination of Dr. R. Steven Kleinschmidt of Pittsfield, as a member of the Board of Environmental Protection.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators 3  
Representatives 9

NAYS: 0

ABSENT: 2 (Sen. Kany of Kennebec, Rep. Jacques of Waterville)

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Dr. R. Steven Kleinschmidt of Pittsfield, as a member of the Board of Environmental Protection be confirmed.

Sincerely,  
S/ RONALD E. USHER  
Senate Chair  
S/ MICHAEL H. MICHAUD  
House Chair

Which was **READ** and **ORDERED PLACED ON FILE**.

**THE PRESIDENT:** The Joint Standing Committee on **ENERGY AND NATURAL RESOURCES** has recommended that the nomination of Dr. R. Steven Kleinschmidt be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on **ENERGY AND NATURAL RESOURCES** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 112th Legislature, the vote will be taken by the yeas and nays.

A vote of yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

#### ROLL CALL

YEAS:—Senators, None

NAYS:—Senators, Baldacci, Berube, Black, Brown, Bustin, Carpenter, Chalmers, Clark, Danton, Diamond, Dow, Emerson, Erwin, Gauvreau, Gill, Hichens, Kany, Matthews, Maybury, McBreairty, Najarian, Perkins, Sewall, Shute, Stover, Trafton, Tuttle, Twitchell, Violette, The President—Charles P. Pray.

ABSENT:—Senators, Andrews, Dutremble, Pearson, Usher, Webster.

No Senators having voted in the affirmative and 30 Senators having voted in the negative, with 5 Senators being absent, and none being less than two-thirds of the membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Dr. R. Steven Kleinschmidt** was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

#### SENATE PAPERS

Bill "An Act to Authorize Department of Transportation Bond Issues in the Amount of \$20,000,000 to Match Available Federal Funds for Highway, Bridge and Airport Improvements" (S.P. 512) (L.D. 1374) (Presented by Senator **DANTON** of York.) (Cosponsored by: Representative **THERIAULT** of Fort Kent, Representative **MILLS** of Bethel, Representative **CALLAHAN** of Mechanic Falls)

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

Sent down for concurrence.

#### COMMITTEE REPORTS

##### House Ought to Pass

The Committee on **EDUCATION** on Bill "An Act to Amend the Effective Dates of Various Parts of the Education Reforms Enacted in September 1984" (Emergency) (H.P. 720) (L.D. 1030)

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

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

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

The Bill **READ ONCE**.

The Bill **TOMORROW ASSIGNED FOR**

**SECOND READING.**

The Committee on **TRANSPORTATION** on Bill "An Act Pertaining to the Terms of Members of Transit District Boards" (H.P. 650) (L.D. 920)

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**.

**Ought to Pass As Amended**

The Committee on **FISHERIES AND WILDLIFE** on Bill "An Act to Increase the Penalties for Stocking Fish in Inland Waters Without a Permit" (H.P. 573) (L.D. 844)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-77)**.

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-77)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-77) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LOCAL AND COUNTY GOVERNMENT** on Bill "An Act to Authorize a Self-liquidating Bond Issue for Waldo County for Renovation of and Addition to the Waldo County Court Facility" (Emergency) (H.P. 282) (L.D. 352)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-78)**.

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-78)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-78) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LOCAL AND COUNTY GOVERNMENT** on Bill "An Act to Authorize a Self-liquidating Bond Issue for Waldo County to Construct Building to House County Extension Services" (Emergency) (H.P. 283) (L.D. 353)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-79)**.

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-79)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-79) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **STATE GOVERNMENT** on Bill "An Act to Allow Educational Institutions within the State to Purchase State Surplus Property" (H.P. 314) (L.D. 403)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-81)**.

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY**

**COMMITTEE AMENDMENT "A" (H-81).**

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-81) **READ** and **ADOPTED**, in concurrence.

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

**Ought to Pass in New Draft**

The Committee on **FISHERIES AND WILDLIFE** on Bill "An Act Concerning Hunting with Bow and Arrow on Privately Owned Property" (H.P. 570) (L.D. 841)

Reported that the same **Ought to Pass in New Draft** under same title (H.P. 950) (L.D. 1348)

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**.

**SECOND READERS**

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

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Lincoln County for the Year 1985 (Emergency) (H.P. 927) (L.D. 1332) (S "A" S-55 to H "A" H-75)

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

Sent down for concurrence.

(Off Record Remarks)

**Senate**

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

Bill "An Act to Assure Advocacy Services for Children with Learning Disabilities" (S.P. 509) (L.D. 1369)

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

Sent down for concurrence.

**Senate As Amended**

Bill "An Act to Establish a Division of Deafness within the Bureau of Rehabilitation" (S.P. 202) (L.D. 552) (C "A" S-53)

Bill "An Act to Recodify the Election Laws" (S.P. 205) (L.D. 576) (C "A" S-52)

Bill "An Act to Annex Certain Lands to the Town of Millinocket" (Emergency) (S.P. 280) (L.D. 738) (C "A" S-54)

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

Sent down for concurrence.

**Senate at Ease**

The Senate called to order by the President.

**ORDERS OF THE DAY**

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 23, 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 the Senator **CHALMERS** of Knox, the Senate **INSISTED** and **JOINED IN**

**A COMMITTEE OF CONFERENCE.**

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

Senator **DIAMOND:** Mr. President, is the Senate in possession of L. D. 1303?

**THE PRESIDENT:** The Chair would answer in the affirmative.

**BILL HELD**

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) (In House, April 22, 1985, **PASSED TO BE ENACTED**.)

(In Senate, April 23, 1985, **PASSED TO BE ENACTED** in concurrence.)

On motion by Senator **DIAMOND** of Cumberland, the Senate **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENACTED**.

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

Senator **DIAMOND:** Mr. President, Ladies and Gentlemen of the Senate, I just asked for that procedure so I could simply explain what is happening with this Bill and the concern I have was brought to my attention. I think those concerns have been pretty well addressed, but this Bill has kind of gone through pretty quickly or at least I have not paid attention to it as I should have. I got calls yesterday from two florists in my area regarding what this Bill was doing. It was just a minute ago I got off the phone from talking with one of them.

I, also, just conferred with the Chairman of the Legal Affairs Committee. The concern I had was delivery of wine to homes with flowers and whatever other arrangement that may be made. Simply the concern was that a child of fifteen or sixteen could call their local florist and say please deliver me a bottle of wine and some flowers to my home, to my parents, under my parents charge account or whatever it might be. That kind of thing concerned me when it was brought to my attention.

The other area of concern was minors not being able to work in florists shops unless there was someone of drinking age in the same shop to allow that wine to be disbursed.

I think both of those areas have been addressed. I would ask those questions, however, to be addressed maybe by the Chair or anyone else on the committee who might just like to reassure me and others this might happen. It might not be the case.

**THE PRESIDENT:** The Senator from Cumberland, Senator Diamond, has proposed a question to the Chair which any Senator may respond to, if they so desire.

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator **TRAFTON:** Thank you Mr. President. Mr. President and Members of the Senate. I'm glad to have this opportunity to explain L. D. 1303 which is: "An Act to Provide a License to Florists for Sale of Wine and Champagne in Connection with Floral Business."

This Bill is a very minor change in the current law. It simply allows florists to incorporate into a floral arrangement a bottle of champagne or a bottle of wine. There is a requirement that the floral arrangement have a value of at least ten dollars. So, I think the concern Senator Diamond of Cumberland has is not particularly a real concern to me. That is, that a minor would pay ten dollars for a floral arrangement in order to purchase a bottle of wine.

I suggest that the delivery to a minor is not going to be a problem. Currently if you order your groceries from the grocery store, that order can contain beer or wine. Cash must be paid upon delivery. There are no credit sales for beer and wine allowed in the State of Maine, except by use of a credit card. Therefore, the person making the deliveries, must make the deliveries to the person who

in fact is paying the cash, and if in fact, that person is a minor, then that sale would be refused.

I think most florists support this particular Bill. It is not allowing the florist in our State to enter the liquor business. There are strict limitations such as the amount of inventory for liquor on the premises of a florist. The Bureau of Liquor Enforcement is satisfied with the controls that this Bill proposes. I suggest that this is not going to be a problem in the future. I assure you that if abuses in this area do develop, the Joint Standing Committee on Legal Affairs will take appropriate action. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from York, Senator Hichens.

Senator **HICHENS:** Mr. President, I did not rise to oppose this Bill because I felt it was a futile effort considering the way the Senate and the Legislature has been voting on expansion of the liquor sales in the State this year. There was a question just given to me by the good Senator from Androscoggin. He said that the flowers with the wine have to be paid for in advance. I do not see anything about that in the Bill. And a great many times people call up and order flowers and they do not pay for them until later on along the way. I was just wondering if this does have any effect on the sale of flowers with the champagne and wine going along with them?

**THE PRESIDENT:** The Senator from York, Senator Hichens, proposes a question to the Chair which any member of the Chamber may care to respond to may do so.

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator **TRAFION:** Thank you, Mr. President. I believe I answered that question in my prior testimony, that when a floral arrangement will contain liquor, the liquor laws of our State of Maine do not allow the sale on credit except by credit card.

**THE PRESIDENT:** The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator **PEARSON:** Mr. President, Men and Women of the Senate. Senator Diamond has brought up some fascinating memories of my childhood because I remember one time the young girl next door to me became angry at her mother one day. She came over to my house and asked to use the telephone. Actually she didn't ask, she always used it whenever she wanted to.

She ordered about forty dollars worth of groceries from the store over in Old Town and had them delivered by taxi to her mother. She stood in the window and watched. I couldn't help but remember how angry her mother was at the time. Now is running through my mind all these ideas of picking up the phone and calling the local florist and ordering some flowers and a bottle of wine and having them delivered to Walter Hichens and what would happen if we did that.

**THE PRESIDENT:** The Senator from Penobscot, Senator Pearson, proposed a question to the Chair which any Senator may respond to if they so desire.

The Chair recognizes the Senator from York, Senator Hichens.

Senator **HICHENS:** I request a Roll Call.

**THE PRESIDENT:** A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call, it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously, more than one-fifth having arisen, a Roll Call is ordered.

The pending question before the Senate is **PASSAGE TO BE ENACTED.**

A Yes vote will be in favor of Enactment.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

**YEAS:**—Senators, Baldacci, Berube, Black, Brown, Bustin, Carpenter, Chalmers, Clark, Danton, Diamond, Dow, Dutremble, Erwin, Gauvreau, Gill, Kany, Maybury, Najarian, Perkins, Sewall, Stover, Trafton, Tuttle, Twit-chell, Violette, The President—Charles P. Pray.

**NAYS:**—Senators, Emerson, Hichens, Matthews, McBreairty, Pearson, Shute.

**ABSENT:**—Senators, Andrews, Usher, Webster.

26 Senators having voted in the affirmative and 6 Senators in the negative, with 3 Senators being absent, the Bill was **PASSED TO BE ENACTED** and having been signed by the President, was by the Secretary presented to the Governor for his approval.

#### Off Record Remarks

Out of Order and under Suspension of the Rules, the Senate considered the following:

#### COMMITTEE REPORTS

##### 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 Relating to the Guardian Ad Litem in Proceedings Under the Child and Family Services and Child Protection Act" (S.P. 180) (L.D. 498)

Senator **TUTTLE** of York was granted unanimous consent to address the Senate Off the Record.

Senator **CHALMERS** of Knox was granted unanimous consent to address the Senate Off the Record.

On motion by Senator **TRAFION** of Oxford, **ADJOURNED** until 9 o'clock in the morning.