

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Twelfth  
Legislature***

OF THE

STATE OF MAINE

**Volume I**

**FIRST REGULAR SESSION**

**December 5, 1984 - June 20, 1985**

STATE OF MAINE  
One Hundred and Twelfth Legislature  
First Regular Session  
JOURNAL OF THE SENATE  
In Senate Chamber  
Friday  
April 26, 1985  
Called to Order by the President.

Prayer by Reverend David Glusker of the Green Street Methodist Church in Augusta.

REVEREND GLUSKER: Let us pray. Once again we pause in Your presence as so frequently we do to seek Your guidance. But more than that, we express our gratitude for Your many gifts: for the beauty of this day and this changing season; for the opportunity to be of service to others and to the State; for all of Your gifts which we celebrate in this special season.

We do pray for Your presence and your guidance, for the wisdom that can come only from You, as we make important decisions which affect large numbers of people. To this end, we call upon You, before this session. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

**THE PRESIDENT:** In reference to the action of the Senate on April 24, whereby it Insisted and Joined in the Committee of Conference on Bill, "An Act to Protect Lobster Gear" (H.P. 445) (L.D. 627)

The Chair will appoint as conferees on the part of the Senate:

Senator **CHALMERS** of Knox  
Senator **BUSTIN** of Kennebec  
Senator **SHUTE** of Waldo.

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator **CLARK:** Thank you, Mr. President. I request leave of the Senate to allow Members of this Body to remove their jackets for the duration of today's Session.

**THE PRESIDENT:** The Senator from Cumberland, Senator Clark asks Leave of the Senate to allow the Members of the Senate to remove their jackets if they so desire.

Is it the pleasure of the Senate to grant this Leave?

It's a vote.

#### PAPERS FROM THE HOUSE

##### House Papers

Bill "An Act to Provide for Crisis Intervention and Continued Treatment and Support in Cases of Child Abuse and Neglect" (H.P. 968) (L.D. 1403)

Comes from the House referred to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **ORDERED PRINTED**.

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

Bill "An Act to Make Maine's Implied Warranty Law Applicable to the Sale of Used Motor Vehicles by Dealers" (H.P. 977) (L.D. 1409)

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 Place the State Board of Licensure of Administrators of Medical Care Facilities other than Hospitals Within the Department of Business, Occupational and Professional Regulation" (Emergency) (H.P. 978) (L.D. 1410)

Committee on **HUMAN RESOURCES** suggested.

Comes from the House referred to the Com-

mittee on **BUSINESS AND COMMERCE** and **ORDERED PRINTED**.

Which was referred to the Committee on **BUSINESS AND COMMERCE** and **ORDERED PRINTED**.

Bill "An Act Concerning Murder Cases and Cases of Sexual Abuse of Minors" (H.P. 965) (L.D. 1400)

Bill "An Act to Make Small Claims Courts More Effective" (H.P. 966) (L.D. 1401)

Bill "An Act to Make Public the Proceedings of the Board of Overseers of the Bar" (H.P. 971) (L.D. 1404)

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

Which were referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Require that Commercial Trucks Carrying Gravel be Covered" (H.P. 967) (L.D. 1402)

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.

#### COMMITTEE REPORTS

##### House

##### 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 Prohibit the Taking of Scallops During Certain Hours of the Day" (H.P. 487) (L.D. 690)

##### Ought to Pass As Amended

The Committee on **AGING, RETIREMENT AND VETERANS** on Bill "An Act to Provide that Cost-of-Living Plans for Retired Persons under the Maine State Retirement System shall Apply to All Participating Local Districts that do not Provide Social Security Benefits for Employees" (H.P. 661) (L.D. 944)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-89).

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-89).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-89) **READ** and **ADOPTED**, in concurrence.

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

##### Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act Concerning Passengers Riding in Open-body Trucks" (H.P. 619) (L.D. 889)

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

Signed:

Senators:

DANTON of York  
SHUTE of Waldo  
ERWIN of Oxford

Representatives:

SOUCY of Kittery  
POULIOT of Lewiston  
CAHILL of Woolwich  
THERIAULT of Fort Kent  
MOHOLLAND of Princeton  
MILLS of Bethel  
STROUT of Corinth  
CALLAHAN of Mechanic Falls

The Minority of the same Committee on the same subject reported that the same **Ought to**

**Pass**.

Signed:

Representatives:

MACOMBER of South Portland  
McPHERSON of Eliot

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Which Reports were **READ**.

The Majority **OUGHT NOT TO PASS** Report was **ACCEPTED**, in concurrence.

##### 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 to Extend the Fine Schedule and to Make Certain Other Charges for Overweight Violations" (S.P. 389) (L.D. 1089)

##### Ought to Pass in New Draft

Senator **EMERSON** for the Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act to Provide for Adequate Funding of the Chemical Substance Identification Law" (Emergency) (S.P. 384) (L.D. 1064)

Reported that the same **Ought to Pass in New Draft** under same title (Emergency) (S.P. 521) (L.D. 1405)

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 Forest Fire Suppression Tax to Allow Persons Affected by Tax Liens One Year to Pay those Taxes" (H.P. 613) (L.D. 883)

Bill "An Act to Include Restitution as a Disciplinary Consequence to Inmate Misconduct at State Correctional Facilities" (Emergency) (H.P. 952) (L.D. 1371)

Bill "An Act Establishing a System for the Reporting of Selected Occupational Diseases" (H.P. 953) (L.D. 1372)

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

##### House As Amended

Bill "An Act to Establish the Maine Conservation Corps" (Emergency) (H.P. 849) (L.D. 1205) (H- "A" H-86)

Bill "An Act Defining the Right of State Employees to Testify Before Legislative Committees" (H.P. 78) (L.D. 98) (C. "A" H-85)

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

##### ORDERS OF THE DAY

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

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

Tabled—April 25, 1985, by Senator **CLARK** of Cumberland.

Pending—**ENACTMENT**.

(In House, April 24, 1985, **PASSED TO BE ENACTED**.)

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

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

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

An Act to Amend the Department of Environmental Protection Laws (S.P. 414) (L.D.

1144)

Tabled — April 25, 1985, by Senator **VIOLETTE** of Aroostook.

Pending — **ENACTMENT**

(In House, April 24, 1985, **PASSED TO BE ENACTED.**)

(In Senate, April 22, 1985, **PASSED TO BE ENGROSSED.**)

On motion by Senator **USHER** of Cumberland, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED.**

**On further motion by same Senator, Senate Amendment "A" (S-61) READ.**

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

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

Members of the Senate, the Bill was to stop the monitoring of the sulphur in the Portland area November 1st, and that was not the intent and this Amendment does provide that we continue monitoring sulphur.

Senate Amendment "A" (S-61) was **ADOPTED.**

Which was **PASSED TO BE ENGROSSED as Amended, in NON-CONCURRENCE.**

Sent down for concurrence.

#### **BILL HELD**

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

Senator **CLARK:** Mr. President, is the Senate in possession of L.D. 580?

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

Bill "An Act to Provide for the 1985 Amendments to the Maine Housing Authorities Act" (Emergency) (H.P. 413) (L.D. 580) (C "A" (H-82); H "A" (H-83))

(In House, April 24, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-82) AND HOUSE AMENDMENT "A" (H-83), in concurrence.**)

(In Senate, April 25, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-82) AND HOUSE AMENDMENT "A" (H-83).**)

On motion by Senator **CLARK** of Cumberland, the Senate **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED.**

On further motion by the same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED, HOUSE AMENDMENT "A" (H-83).**

The same Senator further moved the **INDEFINITE POSTPONEMENT** of House Amendment "A" (H-83).

The Senator has the floor.

Senator **CLARK:** Thank you, Mr. President. Mr. President, Men and Women of the Senate, we will indefinitely Postpone a House Amendment which was attached to the Bill. Legislative Research found a technical error in that House Amendment last evening during the engrossing process. I will, in a minute, offer Senate Amendment "A", which includes all that was included in the House Amendment but is technically correct.

On further motion by same Senator House Amendment "A" (H-83) was **INDEFINITELY POSTPONED, in NON-CONCURRENCE.**

On further motion by same Senator, Senate Amendment "A" (S-62) was **READ and ADOPTED.**

Which was **PASSED TO BE ENGROSSED as Amended, in NON-CONCURRENCE.**

Sent down for concurrence.

(Off Record Remarks)

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

#### **COMMUNICATIONS**

The Following Communication:

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA, MAINE**

April 25, 1985

Honorable Joy J. O'Brien  
Secretary of the Senate  
112th Legislature  
Augusta, Maine 04333  
Dear Madam Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Protect Lobster Gear" (H.P. 445) (L.D. 627)

Representative **ROLDE** of York  
Representative **COLES** of Harpswell  
Representative **RICE** of Stonington

Sincerely,  
S/ **EDWIN H. PERT**  
Clerk of the House

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

#### **COMMITTEE REPORTS**

##### **Senate**

##### **Ought to Pass**

Senator **DANTON** for the Committee on **BUSINESS AND COMMERCE** on Bill "An Act Relating to Regulation Fees Under the Manufacturing of Bedding, Upholstered Furniture and Cushion Law" (S.P. 444) (L.D. 1247)

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

Which Report was **READ and ACCEPTED.**

The Bill **READ ONCE.**

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

(Off Record Remarks)

Senate at Ease

The Senate called to Order by the President.

Senator **PEARSON** of Penobscot was granted unanimous consent to address the Senate Off the Record.

Senate at Ease

The Senate called to Order by the President.

On motion by Senator **DUTREMBLE** of York, **ADJOURNED** until Monday, April 29, 1985 at 9 o'clock in the morning.