

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
Monday
April 29, 1985
Senate called to Order by the President.

Prayer by Father Thomas Joyce of Saint Mary's Catholic Church in Augusta.

FATHER JOYCE: Oh God, we ask Your blessing upon all gathered here this morning. We seek Your divine guidance and strength, and never forgetting Your blessings of the past, we thank You for all of them. In petition, we humbly pray for all here, for the strength and courage to fulfill their duties. In Your goodness, watch over all those in the parties that our State may always enjoy freedom, security and peace.

We pray today with confidence and trust. Protect as always. Make us always realize our dependence on You, that all our works may begin with You, and in You be happily ended. Amen.

Reading of the Journal of Friday, April 26, 1985.

PAPERS FROM THE HOUSE

Non-concurrent Matter

Resolve, to Name the Wiscasset Bridge the Donald E. Davey Bridge (H.P. 373) (L.D. 492) In House, April 24, 1985, the Minority **UGHT TO PASS** Report was **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.

In Senate, April 25, 1985, the Majority **UGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED AND ASKED FOR A COMMITTEE OF CONFERENCE**.

On motion by Senator **CHALMERS** of Knox, the Senate **INSISTED AND JOINED IN A COMMITTEE OF CONFERENCE**.

Non-concurrent Matter

Bill "An Act to Provide an Exemption from the 7-Day Loaner Plate Limitation" (H.P. 430) (L.D. 610)

In House, April 25, 1985, Minority **UGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-87)**.

In Senate, April 25, 1985, Majority **UGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED**.

On motion by Senator **DANTON** of York, Tabled until Later in Today's Session, pending **FURTHER CONSIDERATION**.

(Off Record Remarks)

COMMUNICATIONS

The Following Communication: H.P. 979
April 22, 1985

Speaker of Maine House
President of Maine Senate
State Capitol
Augusta, Maine 04333

Dear Speaker Martin and President Pray:

Enclosed please find the Annual Report of the Forest Fire Advisory Council established by the 111th Legislature. The mandate to FFAC was to review and evaluate forest fire protection in Maine. This report details our activities and findings of the past year, and our plans for the coming year.

Sincerely,
S/ EARLE D. BESSEY III
Chairman

Forest Fire Advisory Council
Comes from the House **READ** and with ac-

companying papers **ORDERED PLACED ON FILE**.

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

SENATE PAPERS

Bill "An Act to Amend the Classification System for Maine Waters and Change the Classifications of Certain Waters" (S.P. 526) (L.D. 1421) (Presented by President **PRAY** of Penobscot) (Cosponsored by: Representative **DIAMOND** of Bangor, Representative **JACQUES** of Waterville, Senator **USHER** of Cumberland) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24)

Committee on **ENERGY AND NATURAL RESOURCES** suggested and **ORDERED PRINTED**.

Senate at Ease

The Senate called to Order by the President.

Which was Ruled

NOT PROPERLY BEFORE THE BODY,

being in Violation of Joint Rule 24.

Sent down for concurrence.

Resolve, Authorizing Continued Study of Information Processing in Social Service Agencies (Emergency) (S.P. 527) (L.D. 1422) (Presented by Senator **BUSTIN** of Kennebec) (Cosponsored by: Representative **MELENDY** of Rockland)

Resolve, Creating a Commission to Study Nursing Home Cost Containment in the State (S.P. 528) (L.D. 1423) (Presented by Senator **TUTTLE** of York) (Cosponsored by: Senator **BERUBE** of Androscoggin)

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

Sent down for concurrence.

Bill "An Act to Prevent the Hospital Cost Containment Law from Substituting for the Collective Bargaining Process" (S.P. 529) (L.D. 1424) (Presented by Senator **BUSTIN** of Kennebec)

Bill "An Act to Amend the Law Relating to Employment and Dismissal of County Employees" (S.P. 530) (L.D. 1425) (Presented by Senator **TUTTLE** of York)

Which were referred to the Committee on **LABOR** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Make Changes in the Laws Governing Public Utilities" (S.P. 531) (L.D. 1426) (Presented by Senator **BALDACCI** of Penobscot) (Cosponsored by: Representative **RICHARD** of Madison, Representative **CLARK** of Millinocket, Representative **NICHOLSON** of South Portland) (Submitted by the Public Utilities Commission pursuant to Joint Rule 24) Committee on **UTILITIES** suggested and **ORDERED PRINTED**.

Which was Ruled

NOT PROPERLY BEFORE THE BODY,

being in Violation of Joint Rule 24.

Sent down for concurrence.

COMMITTEE REPORTS

House

Leave to Withdraw

The following **Leave to Withdraw** reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act Relating to Meals and Lodging Tax" (H.P. 698) (L.D. 993)

Bill "An Act Relating to Tri-axle Trucks Hauling Forest Products" (H.P. 372) (L.D. 491)

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

Ought to Pass

The Committee on **MARINE RESOURCES** on Bill "An Act to Clarify the Use of the Hand

Fishing Scallop License" (H.P. 411) (L.D. 564) 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 **TAXATION** on Bill "An Act to Amend the Municipal Development District Law" (H.P. 370) (L.D. 525)

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "A" (H-94) AND "B" (H-97)**.

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

The Bill **READ ONCE**.

House Amendment "A" (H-94) **READ** and **ADOPTED**, in concurrence.

House Amendment "B" (H-97) **READ** and **ADOPTED**, in concurrence.

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

Ought to Pass As Amended

The Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act to Investigate the Importation and Disposal of Solid Waste and Hazardous Waste in Maine" (H.P. 775) (L.D. 1096)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-93)**.

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-93)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-93) was **READ** and **ADOPTED**, in concurrence.

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

Ought to Pass in New Draft

The Committee on **HUMAN RESOURCES** on Bill "An Act Concerning the Removal of Child Abusers from the Household" (H.P. 511) (L.D. 716)

Reported that the same **Ought to Pass in New Draft** under same title (H.P. 954) (L.D. 1373)

Comes from the House, the Report **READ** and **ACCEPTED** and the Bill in **NEW DRAFT PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-98)**.

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

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

House Amendment "A" (H-98) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LOCAL AND COUNTY GOVERNMENT** on Bill "An Act Validating the Vote to Convert Wallgrass Plantation into the Town of Wallgrass" (Emergency) (H.P. 668) (L.D. 951)

Reported that the same **Ought to Pass in New Draft** under same title. (H.P. 974) (L.D. 1396)

Comes from the House, the Report **READ** and **ACCEPTED** and the Bill in **NEW DRAFT PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-95)**.

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

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

House Amendment "A" (H-95) was **READ**

and **ADOPTED**, in concurrence.
The Bill in **NEW DRAFT as Amended, TOMORROW ASSIGNED FOR SECOND READING.**

Divided Report

The Majority of the Committee on **EDUCATION** on Bill "An Act to Provide Whole Milk at Public Schools" (H.P. 482) (L.D. 685)

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

Signed:

Senators:

BROWN of Washington
GAUVREAU of Androscoggin

Representatives:

O'GARA of Westbrook
SMALL of Bath
BROWN of Gorham
FOSS of Yarmouth
LAWRENCE of Parsonsfield
MATTHEWS of Caribou

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

Signed:

Senator:

HICHENS of York

Representatives:

HANDY of Lewiston
CROUSE of Caribou
ROBERTS of Farmington
BOST of Orono

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

Which Reports were **READ.**

On a motion by Senator **VIOLETTE** of Aroostook, Tabled 1 Legislative Day, pending **ACCEPTANCE OF EITHER REPORT.**

Divided Report

The Majority of the Committee on **HUMAN RESOURCES** on Bill "An Act to Regulate Smoking in Retail Food Stores and Restaurants" (H.P. 269) (L.D. 339)

Reported that the same **Ought to Pass in New Draft under New Title** Bill "An Act to Require Notice of the Smoking Policy in Restaurants" (H.P. 970) (L.D. 1379)

Signed:

Senators:

BERUBE of Androscoggin
BUSTIN of Kennebec
GILL of Cumberland

Representatives:

BRODEUR of Auburn
PINES of Limestone
KIMBALL of Buxton
TAYLOR of Camden
SEAVEY of Kennebunkport
NELSON of Portland
MANNING of Portland
CARROLL of Gray

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

Signed:

Representatives:

ROLDE of York
MELENDY of Rockland

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

Which Reports were **READ.**

The Majority **OUGHT TO PASS IN NEW DRAFT under NEW TITLE** Report was **ACCEPTED**, in concurrence.

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

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Locate the

Supreme Judicial Court in the City of Augusta" (H.P. 378) (L.D. 519)

Reported that the same **Ought to Pass in New Draft under New Title** Bill "An Act to Study the Location of the Supreme Judicial Court in the City of Augusta" (H.P. 973) (L.D. 1395)

Signed:

Senators:

CARPENTER of Aroostook
CHALMERS of Knox
SEWALL of Lincoln

Representatives:

KANE of South Portland
MacBRIDE of Presque Isle
LEBOWITZ of Bangor
PARADIS of Augusta
PRIEST of Brunswick
ALLEN of Washington
COOPER of Windham
DRINKWATER of Belfast

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

Signed:

Representatives:

STETSON of Damariscotta
CARRIER of Westbrook

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

Which Reports were **READ.**

The Majority **OUGHT TO PASS IN NEW DRAFT under NEW TITLE** Report was **ACCEPTED**, in concurrence.

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

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

Senate

Ought to Pass in New Draft

Senator **PEARSON** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) (S.P. 176) (L.D. 494)

Reported that the same **Ought to Pass in New Draft** under same title (Emergency) (S.P. 532) (L.D. 1427)

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 As Amended

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) (C. "A" H-89)

Which was **READ A SECOND TIME.**

On a motion by Senator **VIOLETTE** of Aroostook Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED AS AMENDED.**

Senate

Bill "An Act Relating to Regulation Fees Under the Manufacturing of Bedding, Upholstered Furniture and Cushion Law" (S.P. 444) (L.D. 1247)

Bill "An Act to Provide for Adequate Funding of the Chemical Substance Identification Law" (Emergency) (S.P. 521) (L.D. 1405)

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

Sent down for concurrence.

ENACTORS

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

Emergency Resolve

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

This being an emergency measure and having received the affirmative vote of 26 Members of the Senate, with No Senators having voted in negative was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

ORDERS OF THE DAY

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

Bill "An Act to Provide Coverage for Chiropractic Services Under Hospital Service Plans, Medical Service Plans and Insurance Policies" (S.P. 518) (L.D. 1392)

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

Pending - **PASSAGE TO BE ENGROSSED** (In Senate, April 25, 1985, **READ A SECOND TIME.**)

On motion by Senator **VIOLETTE** of Aroostook, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED.**

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

Bill "An Act to Provide an Exemption from the 7-Day Loaner Plate Limitation" (H.P. 430) (L.D. 610)

Tabled - April 29, 1985, by Senator **DANTON** of York.

Pending - **FURTHER CONSIDERATION**

(In House, April 25, 1985, Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-87).**)

(In Senate, April 25, 1985, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE.**)

(In House, April 26, 1985, that Body **INSISTED.**)

On motion by Senator **DANTON** of York, the Senate **RECEDED** and **CONCURRED.**

Senator **VIOLETTE** of Aroostook was granted unanimous consent to address the Senate Off the Record.

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

Off Record Remarks

Senate at Ease

The Senate called to Order by the President.

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