

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
May 7, 1985
Senate called to Order by the President.

Prayer by Father Armand Bill of St. Bridget's Catholic Church in Vassalboro.

FATHER BILL: Let us pray. Dear Lord, give us Your Light that we might be able to understand Your teachings and to proceed faithfully in Your guidance.

As we deliberate the difficult issues of the day dear Lord, give us the strength to be mindful of the needy and the oppressed, and to make the right decisions for the good of the people. We ask this through Christ, our Lord. Amen.

Reading of the Journal of Yesterday.

On motion by Senator PEARSON of Penobscot,

RECESSED until 5 o'clock this afternoon.

After Recess

The Senate called to Order by the President.

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

Resolve, Regarding the Administration of Environmental Laws (S.P. 422) (L.D. 1170)

Bill "An Act to Further Protect Significant and Outstanding Rivers and to Equalize their Treatment in Organized Municipalities and Plantations" (S.P. 433) (L.D. 1200)

Bill "An Act to Appropriate the Amount of \$2,000,000 from the General Fund for the Design, Construction and Furnishing of Court Facilities" (S.P. 237) (L.D. 631)

Bill "An Act Concerning Supplemental Appropriations for Home-based Care" (Emergency) (S.P. 490) (L.D. 1317)

Bill "An Act Concerning Golf Course Employees as Nonseasonal Employees Under the Employment Security Law" (S.P. 507) (L.D. 1367)

Change of Reference

Senator DUTREMBLE for the Committee on LABOR on Bill "An Act to Amend the Law Relating to Employment and Dismissal of County Employees" (S.P. 530) (L.D. 1425)

Reported that the same be **REFERRED** to the Committee on LOCAL AND COUNTY GOVERNMENT.

Which Report was **READ** and **ACCEPTED**.

The Bill **REFERRED** to the Committee on LOCAL AND COUNTY GOVERNMENT.

Sent down for concurrence.

Senator HICHENS of York was granted unanimous consent to address the Senate on the Record.

Thirty years ago today in the northern part of Maine

Signs of spring were manifest in that vast terrain

And in one family household those concerned all cheered

When it was announced to all—a Violette had appeared

Not a frail little flower—but a lively bounding Boy

And to the parents, I am sure, brought unbounded joy.

This youngster followed in the steps of his illustrious dad

Who in these Senate Chambers—several

terms has had.

Encouraged by his father—young Paul ran for a seat

In the House of Representatives—found himself hard to beat

He moved up to the Senate—the youngest member here

And quickly made it evident—to those who sat quite near

That he was going places—and none other sought his seat

When he ran for re-election—so he traveled o'er the State

Helping others in their races—and soon did contemplate

Seeking nomination to Majority Leadership

And in that position found himself with a real firm grip

Some think he'll continue to try to be like dad

And seek a judgeship in the State—But this adventurous lad

Keeps those thoughts quite to himself—only time will tell

How successful he may be—But we all wish him well

So on this spring day in '85 join with me one and all,

In wishing Happy Birthday to this Violette, named Paul.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

Non-concurrent Matter

Emergency

An Act to Establish Fixed Dates for the Adjournment of the First and Second Regular Sessions of the Legislature (H.P. 928) (L.D. 1333) (H "B" H-105)

In House, May 6, 1985, **PASSED TO BE ENACTED**.

In Senate, May 6 1985, **FAILED ENACTMENT**, in **NON-CONCURRENCE**.

Comes from the House that **BODY INSISTED**.

The Chair moved to **RECEDE** and **CONCUR** with the House.

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

Senator **DIAMOND**: Mr. President, I ask for 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 Chair would advise the Senate that to Recede and Concur to Enact this Bill would require a two-thirds vote.

The Chair recognizes the Senator from York, Senator Tuttle.

Senator **TUTTLE**: Mr. President and Members of the Senate. As of yet, I haven't really spoken that much on this issue, but I have felt very strongly on it.

I have been reading a number of things in the papers around the State on this issue. I wish that I were a reporter reporting on this issue today. I would report that there is some good news and some bad news coming out of Augusta. The good news is that we have apparently recognized that the present artificial deadline for adjournment serves no useful purpose. I guess that the bad news would be that we are about to substitute another artificial deadline in its place.

Several years ago when the Legislature adopted annual sessions, it specified that the First Regular Session would be limited to a hundred days and the Second to fifty days. The idea which was to encourage brevity—didn't work. It didn't take long before we Legislators, figuring we had a specific number of days to

complete our work, took exactly that number regardless of workload at hand. Recognizing the problem this year, leadership toyed with the idea of shortening the sessions to ninety and forty days respectively, abandoning that approach they now see, they can't oppose a new calendar deadline. The third Wednesday in June the First Session and the third Wednesday in April for the Second Session.

I guess why I am wondering about this issue is, when are we going to recognize that government by deadlines just doesn't work. What's wrong with a notion that the Legislature should take as much or as little time as is needed to do its job properly, officially, and responsibly.

I feel that rather than struggling to meet or circumvent artificial deadlines, we would be better off learning how to make the best use of our time in Augusta.

I think that there should be rewards for prefilting Legislation, cloture rules should be enforced, the committee ought to be required to report bills out in a timely fashion. I think there are more appropriate ways we should pursue.

In the end, I think that with kind of self discipline we will produce far more benefits for both the Legislature and the public, than simply adopting meaningless adjournment dates.

Will Rogers once said: "sometimes when the Legislature passes a law, it is a joke, and when it cracks a joke it becomes a law." I admit that this Bill doesn't have much of a punch line, but I would hope that we would defeat it any way.

THE PRESIDENT: The pending question before the Senate is to **RECEDE** and **CONCUR**.

A Yes vote will be in favor of **RECEDING** and **CONCURRING**.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Chair recognizes the Senator from Cumberland, Senator Diamond.

Senator **DIAMOND**: Thank you, Mr. President and Ladies and Gentlemen of the Senate, I will not take too much of your time; you've heard most of the arguments.

The only thing that we haven't heard, really, is why we need to pass this today. That's the only thing we're missing is the "why". I guess we're not going to hear that, and I would simply state that the people I have talked to that are concerned about this Bill, philosophically, none of them want to stay here any longer than we really have to. I certainly don't, but it is an issue bigger than that.

I might make a suggestion, if I could. That suggestion would be since this particular Bill this year does not shorten the day by one, it is the exact same time, the third Wednesday in June is also the one-hundredth day. Since that is not going to change, and since we also have been told, (I have been told, and I think it is true) the Legislative Council is going to be doing a study on this this summer and fall and coming back next year. I would simply say since this has no impact this year, since it is a study in progress this summer and this fall by our leaders, then I would suggest that why don't we just hold this Bill until they finish that study, and then we will make a decision on it?

At least we will have some background and some information done by people who know what they are doing, and have time to do it, and can share information with us. That seems like a logical suggestion. It seems like one that maybe we might want to consider, and if that were the case, then we would want to vote against the Recede and Concur motion.

If that's an illogical argument or that doesn't answer the questions of the proponents, then I would be pleased to hear the other side. Thank you very much.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Sewall.

Senator **SEWALL**: Mr. President and Members of the Senate, this is the first time to speak on this issue today, and the only

reason I'm standing, is to tell you I am voting against this for a very different reason than those you've heard.

Now we have a forum to speak for one-hundred days or a few fewer if we should adjourn early. Every single Member of this Legislature has a chance to stand on this floor and to discuss issues which may be of concern to members of his constituency or other issues of this State.

This right, I hold very dear. This ability of every member who is not a Committee Chairman, who is not going to attract the press in any way, shape, or form in their committee hearings, who perhaps won't have that opportunity to debate, to have any chance in a public forum, to put their words down verbally, to have that opportunity to express his or her opinions; that can very well be shortened when you change to this new system.

I can see now, if we come in and we're in here in session three legislative days while we refer bills, then we're not in session, who knows who will show up? We are not in session for two months while bills are worked on in committee, while the work goes on there pretty much in public vacuum; then suddenly, we have few legislative days, and boy, we have nice full calendars. I suppose that's efficient, and I suppose everyone can be ready to debate, amend, and do everything on a calendar that had some thirty-five items on it of divided reports.

I really wonder how well a job would be done. If you say this just can't happen, I'm telling you with a hundred days, we've all got a chance to get up and reject if a bill is being pushed through a committee too quickly, if there wasn't a quorum there when the bill was reported out. Once we do this, there's a very great opportunity that with the number of legislative days being cut, that we could all be in essence "muzzled." I don't think that that is best for that Member of the Legislature who may have something very important on their mind that may not be in leadership and may not be a Committee Chairman.

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

Senator **KANY:** Mr. President and Senators. We've heard many arguments on this issue. I'd just like to give you one more reason why I plan to vote in favor of this legislation, and that is, because I believe that any time, generally when we elect a governor or we elect our leadership here, we should give them a chance to do what they hope to do, to make either the State run more efficiently or better, or to make the Legislature run more efficiently or better.

I will say that this basic idea on limiting and having an adjournment day as opposed to the one hundred day and the fifty days as our way of statutorily limiting our annual sessions, did come from some members of our elected leadership, and certainly the majority of the members of each party did vote for that leadership. I did not. I was not present to vote, but I do believe that whoever was elected to those positions, should be given an opportunity to do what they deem to be the appropriate way to run the Legislature. I say give them a chance.

I hope you will vote to Recede and Concur and then for final Enactment of this Legislation.

THE PRESIDENT: The pending question before the Senate is to **RECEDE** and **CONCUR**.

The Chair again will state to Recede and Concur requires a two-thirds vote because in its action it will be the Enactment of this Bill.

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

ROLL CALL

YEAS:—Senators, Andrews, Baldacci, Berube, Black, Brown, Bustin, Carpenter, Chalmers, Clark, Danton, Dow, Dutremble, Emerson, Erwin, Gauvreau, Gill, Kany, Matthews, Najarian, Perkins, Shute, Twitchell, Usher, Violette, The President — Charles P.

Pray.

NAYS:—Senators, Diamond, Hichens, Maybury, McBreairty, Pearson, Sewall, Stover, Trafton, Tuttle, Webster.

ABSENT:—Senators None.

25 Senators having voted in the affirmative and 10 Senators in the negative with No Senators being absent, the motion to **RECEDE** and **CONCUR, PREVAILED**, the Bill was **PASSED TO BE ENACTED** and signed by the President and was presented by the Secretary to the Governor for his approval.

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

Senator **PEARSON:** Mr. President and Men and Women of the Senate, when this issue we just dealt with, first came up, we were in the anniversary of the memorial that was presented on the holocaust and the lady, Mrs. Haas was graciously asked to come to the podium to speak. I remember her saying, and I really was very touched by it, "she was so grateful to hear this kind of debate go on, because in her day that was not allowed. Edicts and laws were simply passed down with no debate, and that was marvelous thing for her to see democracy in action." We've seen democracy in action in the debate that was taken place and the issue been thoroughly debated, and I appreciate that.

I would like to say, that upon the beginning of this session or immediately before the session, a number of people in the hall outside of this Chamber indicated to me that they had heard that the reason I was voting for this the way I was, and the reason that two other Senators were voting the way they were, is simply because we wanted to make money.

I find that to be repugnant, and I find that to be offensive, and I find that to be in a direct opposition to what Mrs. Haas had to say, and I want you to know that I will never ever accept that kind of comment, again, from anybody.

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

Senator **VIOLETTE:** Mr. President, I would move Reconsideration of L.D. 1333 "An Act to Establish Fixed Dates for the Adjournment of the First and Second Regular Sessions of the Legislature, and I trust that all Senators will vote against that motion.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **VIOLETTE** of Aroostook to **RECONSIDER**.

A Viva Voce Vote being had the motion of Senator **VIOLETTE** of Aroostook to **RECONSIDER, FAILED**

Non-concurrent Matter

JOINT RESOLUTION EXPRESSING CONCERN OVER THE VIOLENCE BETWEEN PROTESTANTS AND CATHOLICS IN NORTHERN IRELAND

(H.P. 1007)

In House, May 3, 1985, **READ** and **ADOPTED**

In Senate, May 6, 1985, **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Comes from the House that Body **INSISTED**. On motion by Senator **VIOLETTE** of Aroostook, the Senate **ADHERED**.

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 Amending the Billboard Law" (H.P. 829) (L.D. 1173)

Bill "An Act to Require Full Disclosure by Real Estate Brokers" (H.P. 795) (L.D. 1125)

Bill "An Act Concerning Business Brokers"

(H.P. 794) (L.D. 1124)

Ought to Pass

The Committee on **LEGAL AFFAIRS** on Bill "An Act to Prohibit Marriage Between Certain Blood Relatives" (H.P. 603) (L.D. 873)

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 **LOCAL AND COUNTY GOVERNMENT** on Bill "An Act Requiring Impartial Summaries of Charter Amendments" (H.P. 842) (L.D. 1192)

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 **STATE GOVERNMENT** on Bill "An Act Prohibiting Bond Issues of Less than \$2,000,000" (H.P. 202) (L.D. 236)

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 ONCE**.

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

The Committee on **STATE GOVERNMENT** on Bill "An Act to Reallocate Mortgage Insurance Authority from the Mortgage Insurance Program of the Finance Authority of Maine to the Maine Small Business Loan Program" (Emergency) (H.P. 891) (L.D. 1280)

Reported that the same **UGHT 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 **BUSINESS AND COMMERCE** on Bill "An Act Limiting the Amount of Insurance Coverage which a Mortgagee can Require a Mortgagor to Carry" (H.P. 869) (L.D. 1226)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-112).

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-112).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-112) **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 Regarding Official Refusal or Neglect of Duty" (H.P. 195) (L.D. 229)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-114).

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

COMMITTEE AMENDMENT "A" (H-114).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-114) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TRANSPORTATION** on Bill "An Act to Require Eye Protection for Persons Riding Motorcycles" (H.P. 465) (L.D. 666)

Reported that the same **Ought to Pass** as **Amended by Committee Amendment "A" (H-111)**.

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-111)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-111) was **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act Concerning Good Time for Persons Convicted of Murder" (H.P. 270) (L.D. 340)

Reported that the same **Ought To Pass** as **Amended By Committee Amendment "A" (H-110)**.

Signed:

Representatives:

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

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

Signed:

Senators:

CARPENTER of Aroostook
CHALMERS of Knox
SEWALL of Lincoln

Representatives:

PRIEST of Brunswick
CARRIER of Westbrook

Comes from the House with the Majority **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-110)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-110)**.

Which Reports were **READ**.

The Minority **UGHT NOT TO PASS** Report was **ACCEPTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

ENACTORS

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

An Act Relating to Instruction in American Sign Language in Public Schools and Institutions of Higher Education (S.P. 540) (L.D. 1447)

An Act Concerning Revision or Amendment of Approved Subdivision Plans (H.P. 722) (L.D. 1031) (C "A" H-104)

An Act to Increase Penalties for Certain Hunting Violations Involving Big Game Animals (H.P. 1000) (L.D. 1442)

An Act Concerning Living Wills (H.P. 1004) (L.D. 1448)

An Act to Revise the Laws Pertaining to Real Estate Attachments, Levy on Execution and Exempt Property (H.P. 1005) (L.D. 1449)

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

Out of order and under suspension of the rules, the Senate considered the following:

PAPERS FROM THE HOUSE**House Papers**

Bill "An Act to Create a Commission to Study the Availability and Coordination of Resources and Training for Child Abuse and Neglect Prevention and Treatment in Maine" (Emergency) (H.P. 1015) (L.D. 1464)

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 Require Refuse Receptacles to Comply with Federal Safety Standards" (H.P. 1014) (L.D. 1463)

Committee on **ENERGY AND NATURAL RESOURCES** suggested.

Comes from the 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.

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 to Increase Public Safety in Homes" (H.P. 853) (L.D. 1209)

Bill "An Act to Amend the Landlord-tenant Laws to Provide Stricter Heating Standards" (H.P. 744) (L.D. 1054)

Bill "An Act Concerning the Harvesting of High-value Wood for Processing into Wood Chips for Biomass Boilers" (H.P. 850) (L.D. 1206)

Bill "An Act Affecting Enforcement of Maine's Hazardous Waste Laws" (H.P. 874) (L.D. 1231)

Bill "An Act to Equalize the Election Laws Concerning Party and Independent Candidates and Voters" (H.P. 115) (L.D. 140)

Bill "An Act Relating to Sale of Mobile Homes by Individual Owner when Located in Mobile Home Park; Not Restricted or Prohibited by Park Owner or Operator" (H.P. 128) (L.D. 153)

Bill "An Act to Provide Consumers who Purchase Automobiles with Tampered Odometers with Additional Remedies" (H.P. 714) (L.D. 1024)

Bill "An Act to License Social Workers Employed by a Hospital" (H.P. 437) (L.D. 619)

Bill "An Act to Create a State Committee to Deal with Post-Secondary Vocational-technical Education" (H.P. 839) (L.D. 1204)

Bill "An Act Concerning the Wording of Referendum Questions" (H.P. 638) (L.D. 906)

Resolve, Establishing a Commission to Review Upper Management in State Government (H.P. 380) (L.D. 521)

Bill "An Act to Establish the Boundaries between the Town of Lisbon and the City of Lewiston and between the Town of Lisbon and the Town of Sabattus" (H.P. 604) (L.D. 874)

Ought to Pass

The Committee on **TRANSPORTATION** on Bill "An Act to Permit Limited Operation of Woods Vehicles on State Highways" (H.P. 800) (L.D. 1130)

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 Concerning Private School Activity Buses" (H.P. 626) (L.D. 895)

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 AMENDMENT "A" (H-109)**.

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

The Bill **READ ONCE**.

House Amendment "A" (H-109) was **READ** and **ADOPTED**, in concurrence.

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

Ought to Pass in New Draft

The Committee on **LEGAL AFFAIRS** on Bill "An Act to Amend the Law Relating to the Installation of Smoke, Heat or Fire Detection Systems in Certain Hotels" (H.P. 276) (L.D. 346)

Reported that the same **Ought to Pass** in **New Draft** under same title. (H.P. 1013) (L.D. 1461)

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**.

Senate**Ought to Pass in New Draft**

Senator **USHER** for the Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act to Clarify Certain Aspects of Mineral Exploration, Development and Disclosure" (S.P. 282) (L.D. 771)

Reported that the same **Ought to Pass** in **New Draft** under same title. (S.P. 549) (L.D. 1466)

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 Revise the Salaries of Certain County Officers" (Emergency) (H.P. 1011) (L.D. 1455)

Bill "An Act to Exempt from Home Health Licensure Municipal Entities that Provide Only Nontherapeutic Preventive and Promotional Health Educational Services" (Emergency) (H.P. 1006) (L.D. 1453)

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

House As Amended

Bill "An Act to Mandate Smoke Alarms in all New, Converted or Restored Single-family Dwellings" (H.P. 512) (L.D. 717) (C. "A" H-103)

Which was **READ A SECOND TIME**.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Webster.

Senator **WEBSTER:** Mr. President, Ladies and Gentlemen of the Senate, could somebody explain this Legislation to me before we have any action on it today?

THE PRESIDENT: The Senator from Franklin, Senator Webster, has posed a question through the Chair which any Senator may respond to it, if they so desire.

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator **TRAFTON:** Thank you, Mr. President. Mr. President, L.D. 717 is "An Act to Mandate Smoke Alarms in all New, Converted or Restored Single-family Dwellings" simply extends in a very minor way the current requirement for smoke alarms in single family dwell-

ings. Currently, all new single dwellings must have a smoke alarm.

This Bill takes the matter one step further and says, "that when a single family dwelling is renovated or added to, and that renovation or addition includes a sleeping area or sleeping quarters, there must be a smoke alarm in that new area.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Webster.

Senator **WEBSTER:** Mr. President, Ladies and Gentlemen of the Senate, for those of you who look in your books, I'm sure you won't find this measure. I had to get one of the pages get the measure for me. I will read to you what the Bill does. I'm just curious. The Bill says (section C) "any addition or restoration to an existing family dwelling construction of which is completed after the effective date."

That would assume to me, if I remodeled my bathroom or I did any work at all, I assume over twenty dollars of structural work, or any changes, that I would have to have a smoke alarm.

I'm not sure, years ago when this Bill began to pass to allow single-family dwellings, that was such a great idea, but it seems to me that once again, we are inserting unnecessary intrusion from government into private lives. I would question whether that was necessarily a positive step of this Legislature should be doing.

We do have a law currently on the books, as I understand, that requires each new house to have a smoke detector. I know because, I spoke against the bill two years ago when I had the opportunity; and now we're going to say that "if you add a bedroom, or you have any other additions to your home, that you have to have a smoke detector.

At what point does this Legislature decide that we are going to leave things up to people to decide? It seems to me like this is an unnecessary piece of legislation, and although I may lose, I would request a Division.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator **TRAFTON:** Thank you, Mr. President. If the good Senator from Franklin, Senator Webster, would be so kind as to read House Amendment "A" (H-103), he will see that the Bill is limited to that type of addition which adds at least one bedroom, so his hypothetical of adding a small addition to his bathroom, would not cause requirements for an additional smoke alarm.

I suggest that this unanimous report from the Joint Standing Committee on Legal Affairs has substantial merit; in fact, it consolidated two such bills which proposed essentially the same thing, and I urge your support of this unanimous report.

THE PRESIDENT: A Division has been requested.

Will all those Senators in favor of **PASSAGE TO BE ENGROSSED AS AMENDED**, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

23 Senators having voted in the affirmative, and 4 Senators having voted in the negative, the Bill was **PASSED TO BE ENGROSSED, as Amended**, in concurrence.

Senate

Bill "An Act to Amend the Social Worker Registration Act with Respect to Employment by Nursing Homes" (Emergency) (S.P. 358) (L.D. 979)

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

Send down for concurrence.

Senate As Amended

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) (C. "A" S-72)

Bill "An Act Relating to Structures Located in Proposed Ways" (S.P. 265) (L.D. 708) (C. "A" S-74)

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

Send down for concurrence.

ENACTORS

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

An Act to Amend the Law Concerning Smoke Detectors in all Multiapartment Dwellings. (H.P. 279) (L.D. 349)

An Act to Encourage Early Identification and Treatment of Impaired Physicians. (S.P. 534) (L.D. 1435)

Which were **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 to the State Library for Support of the Information Exchange. (S.P. 269) (L.D. 727)

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

An Act in Support of Increasing Per Capita Funds for Public Libraries. (S.P. 270) (L.D. 728) (C. "A" S-65)

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

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) (S. "A" S-68; C. "A" H-89)

On motion by Senator **VIOLETTE** of Aroostook, Tabled 1 Legislative Day, pending **ENACTMENT**.

An Act to Provide Coverage for Chiropractic Services Under Hospital Service Plans, Medical Service Plans and Insurance Policies. (S.P. 518) (L.D. 1392) (S. "A" S-67)

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

An Act to Establish a Fire Fighter Training Facilities Grant Program. (H.P. 152) (L.D. 186) (C. "A" H-100)

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

Emergency

An Act to Clarify the Laws Requiring Certification of Seed Potatoes. (S.P. 395) (L.D. 1105) (C. "A" S-63)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in the negative, and 29 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, Pertaining to a State Employee Health Promotion. (H.P. 990) (L.D. 1428)

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

ORDERS OF THE DAY

The President laid before the Senate the

Tabled and Specially Assigned matter:

Bill "An Act to Require the Use of Seat Belts in all Motor Vehicles" (S.P. 383) (L.D. 1050)

Tabled—May 6, 1985, by Senator **VIOLETTE** of Aroostook.

Pending—**PASSAGE TO BE ENGROSSED**. (In Senate, May 6, 1985, **READ A SECOND TIME**.)

On motion by Senator **VIOLETTE** of Aroostook, Tabled to a date certain, Monday, May 13, 1985, pending **PASSAGE TO BE ENGROSSED**.

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