

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
Thursday
May 9, 1985
Senate called to Order by the President.

Prayer by Rabbi Raymond Krinsky of the Beth Israel Synagogue in Waterville.

RABBI KRINSKY: Almighty God, we pray our blessings upon our Senators who are about to begin their pursuit again of the good and welfare of the people of Maine. May they be filled with understanding of each other as they hammer out the compromises necessary to successful resolution. May they be imbued with sincerity of purpose and convictions of ideals in their search for accommodation to reality. May they conclude injustice and be justified by their conclusions. May they be strengthened by their ambitions, and be ambitious for the strength of our civil rhetorics.

May they continue to claim the high ground of freedom and equality, as they set their sights on the tyranny on unreason and ignorance, seething below. May they be filled with compassion, as they contemplate some practical effects of the laws they propose. And may we, whom they represent, be supportive of their efforts in our behalf. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE Non-concurrent Matter

Bill "An Act Concerning Good Time for Persons Convicted of Murder" (H.P. 270) (L.D. 340)

In House, May 7, 1985, the Majority **OUGHT 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).

In Senate, May 7, 1985, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

Comes from the House that Body **ADHERED**.

On motion of Senator **CARPENTER** of Aroostook, the Senate **ADHERED**.

SENATE PAPERS

Bill "An Act to Provide for Public Participation in the Development of Emergency Plans" (S.P. 554) (L.D. 1486) (Presented by Senator **ANDREWS** of Cumberland.) (Cosponsored by: Representative **RICHARD** of Madison, Senator **KANY** of Kennebec.)

Which was referred to the Committee on **AGING, RETIREMENT AND VETERANS** and **ORDERED PRINTED**.

Sent down for concurrence.

Resolve, Establishing an Alcohol Awareness Study for Servers of Alcohol" (S.P. 573) (L.D. 1497) (Presented by Senator **NAJARIAN** of Cumberland.) (Cosponsored by: Representative **E. MURPHY** of Berwick, Senator **SHUTE** of Waldo, Senator **BUSTIN** of Kennebec.)

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

Sent down for concurrence.

Bill "An Act to Ensure Adequate Services for Head Injured Persons in Maine" (S.P. 572) (Presented by Senator **ANDREWS** of Cumberland.) (Cosponsored by: Representative **CAHILL** of Woolwich, Senator **DOW** of Kennebec, Representative **CARROLL** of Gray.)

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested.

On motion by Senator **CLARK** of Cumberland, Tabled until Later in Today's Session, pending **REFERENCE**.

Bill "An Act to Amend the Maine Consumer Credit Code" (S.P. 558) (L.D. 1487) (Presented by Senator **BUSTIN** of Kennebec.) (Cosponsored by: Representative **P. STEVENS** of Bangor, Representative **H. MARTIN** of Van Buren.)

Bill "An Act Authorizing Mutual Financial Institutions to Reorganize into Mutual Holding Companies" (S.P. 560) (L.D. 1489) (Presented by Senator **TRAFTON** of Androscoggin.)

Bill "An Act to Amend the Maine Insurance Guaranty Association Act" (S.P. 559) (L.D. 1488) (Presented by Senator **DANTON** of York.) (Cosponsored by: Representative **ALIBERTI** of Lewiston, Representative **TELOW** of Lewiston.)

Bill "An Act Establishing Assessments to Defray the Expense of Maintaining the Bureau of Insurance" (S.P. 555) (Presented by Senator **CLARK** of Cumberland.) (Cosponsored by: Representative **BRANNIGAN** of Portland, Representative **ARMSTRONG** of Wilton.)

Bill "An Act Affecting the Statutes of Agencies within the Department of Business, Occupational and Professional Regulation" (S.P. 556) (Presented by Senator **DANTON** of York.) (Cosponsored by: Senator **SEWALL** of Lincoln, Representative **RYDELL** of Brunswick, Representative **P. STEVENS** of Bangor.)

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

Sent down for concurrence.

Bill "An Act to Provide for Continued Educational Opportunities for Disabled Students" (S.P. 567) (L.D. 1495) (Presented by Senator **ANDREWS** of Cumberland.) (Cosponsored by: Senator **HICHENS** of York, Representative **O'GARA** of Westbrook.)

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

Sent down for concurrence.

Bill "An Act to Establish Mandatory Energy Standards for Publicly-funded Buildings" (S.P. 568) (L.D. 1496) (Presented by Senator **BROWN** of Washington.) (Cosponsored by: Representative **MITCHELL** of Freeport, Representative **COLES** of Harpswell, Representative **CONNOLLY** of Portland.)

Bill "An Act to Amend the Classification System for Maine Waters and Change the Classifications of Certain Waters" (S.P. 557) (Presented by President **PRAY** of Penobscot.) (Cosponsored by: Representative **DIAMOND** of Bangor, Representative **JACQUES** of Waterville, Senator **USHER** of Cumberland.)

Which were referred to the Committee on **ENERGY AND NATURAL RESOURCES** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Amend the Nuclear Issues Clearinghouse Law" (S.P. 561) (L.D. 1490) (Presented by Senator **ANDREWS** of Cumberland.) (Cosponsored by: Representative **BOST** of Orono, Representative **RANDALL** of E. Machias, Senator **BROWN** of Washington.)

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

On motion by Senator **CLARK** of Cumberland, referred to the Committee on **EDUCATION** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act Amending the Maine Juvenile Code to Allow for Access to Records by Criminal Justice Agencies" (S.P. 565) (L.D. 1493) (Presented by Senator **CARPENTER** of Aroostook.) (Cosponsored by: Representative **KANE** of S. Portland.)

Bill "An Act to Prevent Unjust Enrichment by Retention of Surplus Upon Foreclosure of Municipalities, Public Utilities and Sewer Districts" (S.P. 563) (L.D. 1492) (Presented by Senator **NAJARIAN** of Cumberland.) (Cospon-

sored by: Senator **DOW** of Kennebec, Senator **BALDACCI** of Penobscot, Representative **H. MARTIN** of Van Buren.)

Bill "An Act Concerning Access to Medical Records by Prosecutors" (Emergency) (S.P. 566) (L.D. 1494) (Presented by Senator **CARPENTER** of Aroostook.) (Cosponsored by: Representative **KANE** of S. Portland.)

Bill "An Act to Establish the Maine Court Facilities Authority" (S.P. 564) (Presented by Senator **CARPENTER** of Aroostook.) (Cosponsored by: Representative **KANE** of S. Portland.)

Bill "An Act to Aid the Victims of Crime" (S.P. 569) (Presented by Senator **CLARK** of Cumberland.) (Cosponsored by: Representative **McGOWAN** of Canaan.)

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

Sent down for concurrence.

Bill "An Act to Amend the Offenses for Operating under the Influence" (S.P. 562) (L.D. 1491) (Presented by Senator **CARPENTER** of Aroostook.) (Cosponsored by: Representative **PRIEST** of Brunswick, Representative **PAUL** of Sanford, Representative **FOSTER** of Ellsworth.)

Committee on **JUDICIARY** suggested and **ORDERED PRINTED**.

On motion by Senator **CLARK** of Cumberland referred to the Committee on **LEGAL AFFAIRS** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Regulate Recovery of Costs of Canceled or Abandoned Electric Generating Facilities" (S.P. 570) (Presented by Senator **ANDREWS** of Cumberland.) (Cosponsored by: Representative **A. BROWN** of Gorham.)

Representative **H. BAKER** of Portland, Senator **USHER** of Cumberland.

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

Sent down for concurrence.

COMMITTEE REPORTS House

Ought Not To Pass

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

Bill "An Act Concerning the Funding of Superior Courts in Maine" (H.P. 523) (L.D. 743)

Resolution, Proposing an Amendment to the Constitution of Maine to Permit the Governor to Veto Items Contained in Bills Appropriating Money and Retaining the Power within the Legislature to Override such Item Vetos. (H.P. 344) (L.D. 461)

Bill "An Act to Extend Medical Assistance to Families Losing Aid to Families with Dependent Children due to Employment" (H.P. 705) (L.D. 1015)

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, Concerning the Transportation of Prisoners From the Maine State Prison. (H.P. 309) (L.D. 398)

Bill "An Act to Provide for Certain Discounts on Over-the-Counter Medication Purchased by Elderly Persons" (H.P. 833) (L.D. 1177)

Bill "An Act to Increase Emergency Assistance to Needy Families with Children" (H.P. 474) (L.D. 677)

Bill "An Act to Provide an Office of Advocate in Cases of Child Abuse and Selection of and Operation of Children in Foster Homes" (H.P. 893) (L.D. 1288)

Ought to Pass As Amended

The Committee on **LOCAL AND COUNTY GOVERNMENT** on Bill "An Act to Amend the

Charter of the Bustin's Island Village Corporation" (Emergency) (H.P. 38) (L.D. 40)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-115)**.

Comes from the House, with the Report **READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-115)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-115) **READ and ADOPTED**, in concurrence.

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

Off Record Remarks

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

Ought to Pass in New Draft

The Committee on **STATE GOVERNMENT** on Bill "An Act Relating to Membership on the Board of Trustees of the Criminal Justice Academy" (H.P. 223) (L.D. 257)

Reported that the same **Ought to Pass in New Draft** under same title. (H.P. 1016) (L.D. 1465)

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-119)**.

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

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

House Amendment "A" (H-119) **READ and ADOPTED**, in concurrence.

The Bill in **NEW DRAFT AS AMENDED TOMORROW ASSIGNED FOR SECOND READING**.

Senate

Ought Not To Pass

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

Bill "An Act to Allow Housing Authority Boards to Appoint Alternate Commissioners" (S.P. 137) (L.D. 376)

Bill "An Act to Provide for an Income Tax Credit for Parents who Pay Private School Tuition" (S.P. 235) (L.D. 597)

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 Concerning Warranties Given by Persons Engaged in the Business of Rust-proofing Motor Vehicles" (S.P. 458) (L.D. 1261)

Bill "An Act to Establish a Presidential Primary in the State of Maine" (S.P. 233) (L.D. 595)

Bill "An Act to Equalize the Taxation of Telephone Companies with the Taxation of other Business Corporations" (S.P. 43) (L.D. 60)

Bill "An Act to Provide and Exemption from the Gasoline Tax for Nonprofit Sheltered Workshops" (S.P. 418) (L.D. 1148)

Bill "An Act to Permit any Municipality with a License Ordinance to Deny a License to any Person who is Delinquent in Paying Personal Property Taxes" (S.P. 189) (L.D. 507)

Bill "An Act to Amend the Law Concerning the Forest Fire Suppression Tax" (S.P. 67) (L.D. 118)

Bill "An Act to Repeal the Tax Exemption for Income Received as Winnings from the Maine Lottery" (S.P. 161) (L.D. 428)

Bill "An Act to Alter the Driver Education Evaluation Program" (S.P. 368) (L.D. 1002)

Bill "An Act Concerning Children in Need of Social Services" (S.P. 478) (L.D. 1285)

Bill "An Act to Provide Toll-free Telephone Lines for Community Emergency Nonprofit Services" (Emergency) (S.P. 494) (L.D. 1320)

Ought to Pass As Amended

Senator **PEARSON** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Appropriate Grant Funds to the Maine State Commission on the Arts and the Humanities to Support Current Established Programs" (S.P. 142) (L.D. 409)

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

Which Report was **READ and ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-78) **READ and ADOPTED**.

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

Senator **BUSTIN** for the Committee on **BUSINESS AND COMMERCE** on Bill "An Act to Amend the Law Relating to Regulation of Business Practices Between Motor Vehicle Manufacturers, Distributors and Dealers" (S.P.126) (L.D. 366)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-80)**

Senate at Ease

The Senate called to order by the President

Which Report was **READ and ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-80) **READ and ADOPTED**.

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

SECOND READERS

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

Senate

Bill "An Act Relating to Fishing by Net, Trap or Weir in the Waters of Union River Bany and the Lower Union River in Hancock County" (Emergency) (S.P. 551) (L.D. 1469)

Bill "An Act to Establish a Funding Mechanism to make the Joint Environmental Training Program Self-supporting" (S.P. 552) (L.D. 1470)

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Provide that an Unpermitted Leave from a Court Appearance shall be Classified as an Escape" (S.P. 303) (L.D. 792) (C "A" S-77)

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

Sent down for concurrence.

ENACTORS

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

An Act Concerning the Value of Prizes that may be Awarded on Beano (S.P. 372) (L.D. 1006)

An Act Providing for Change of Venue of Criminal Cases (S.P. 543) (L.D. 1452)

An Act to Establish the Departmental Indirect Cost Allocation Program (H.P. 998) (L.D. 1440) (S "A" S-69)

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 Prohibit Open Burning at All Municipal Solid Waste Disposal Sites (H.P. 976) (L.D. 1399) (H "A" H-99)

On motion by Senator **CLARK** of Cumberland Tabled 1 Legislative Day, pending

ENACTMENT.

Resolve

Resolve, to Address Special Education Needs of Learning Disabled Children (S.P. 211) (L.D. 569) (C "A" S-70)

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

ORDERS OF THE DAY

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

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)

Tabled - May 8, 1985, by Senator **CLARK** of Cumberland.

Pending - **ENACTMENT**

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

(In Senate, May 2, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-89) AND SENATE AMENDMENT "A" (S-68)**.)

On motion of Senator **CLARK** of Cumberland, Tabled 2 Legislative Days, pending **ENACTMENT**.

Emergency Resolve

Resolve, Pertaining to a State Employee Health Promotion (H.P. 990) (L.D. 1428)

Tabled - May 8, 1985, by Senator **CLARK** of Cumberland.

Pending - **FINAL PASSAGE**

(In House, May 8, 1985, **FINALLY PASSED**.)

(In Senate, May 3, 1985, **PASSED TO BE ENGROSSED**, in concurrence.)

On motion by Senator **KANY** of Kennebec, the Senate **SUSPENDED THE RULES**.

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

On motion by Senator **KANY** of Kennebec, Senate Amendment "A" (S-79) **READ and ADOPTED**.

Which was **PASSED TO BE ENGROSSED AS AMENDED** in **NON-CONCURRENCE**.

Sent down for concurrence.

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 to Amend the Adult Protective Services Act" (S.P. 217) (L.D. 575)

ORDERS OF THE DAY

On motion by Senator **CLARK** of Cumberland the Senate removed from the Tabled and Later Assigned matter:

Bill "An Act to Ensure Adequate Services for Head Injured Persons in Maine" (S.P. 572)

Tabled - May 9, 1985, by Senator **CLARK** of Cumberland.

Pending - **REFERENCE**

(Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested.)

On motion by Senator **CLARK** of Cumberland referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED**.

Sent down for concurrence.

Off Record Remarks

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

Senator **PEARSON**: Yesterday was V.E. Day (Victory In Europe) and it went by in this Chamber, unnoticed. As a matter of fact, Mr. Hickey, the Doorman, brought it to my attention this morning, it shouldn't have actually, because it was on T.V. and radio. The Second World War was a central part of most Americans lives. I was but an infant at the time. I do have some recollections of it. A lot of people in here have an awful lot more than I do.

I was fortunate enough, when I was in the service, to have gone to the Little Red School House, so-called, in Rheims where the documents of surrender were signed to General Eisenhower. I have been in nearly all of the areas on the Western Front that were involved in the Second World War. I, like everyone else, was profoundly impacted by that war and the results of what took place afterwards.

I think it is important that we remember, not only those of us close to Americans who died and Canadians and the English speaking world, but also the tremendous toll that was taken on behalf of the Russian people and all of the rest of the world.

When we adjourn, I hope we would do it in memory of those people who lost their lives as a result of the Second World War.

Off Record Remarks

On motion by Senator **PEARSON** of Penobscot,

ADJOURNED in Remembrance of V.E. Day until 12 o'clock tomorrow.
