

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**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  
May 10, 1985  
Senate called to Order by the President.

Prayer by Father Edward J. Hurley of St. Mary's Catholic Church in Augusta.

FATHER HURLEY: Let us pray for one another and everyone with whom we are associated, for all of those entrusted to our care, for the families that we have been given, for our friends and for those we love, for all those with whom we have daily contact and whom we present to God in prayer. Let's pray for a vital and humane society, for mutual trust and solidarity wherever men and women work together in industry and business, and for honesty in all transactions, for good conditions of employment and fair wage contracts. Let's pray that our country's future may be planned with expert care and that the same care may be devoted to just and equal distribution of our prosperity. We pray this in faith, hope and love. Amen.

Reading of the Journal of Yesterday.

#### PAPERS FROM THE HOUSE

##### Non-concurrent Matter

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

In House, May 7, 1985, **PASSED TO BE ENGROSSED.**

In Senate, May 8, 1985, **FAILED OF PASSAGE TO BE ENGROSSED** in NON-CONCURRENCE.

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

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

Senator **CLARK:** Mr. President, I move that the Senate Adhere.

**THE PRESIDENT:** The Senator from Cumberland, Senator **CLARK,** moves the Senate **ADHERE.**

The Chair recognizes the Senator from York, Senator Hichens.

Senator **HICHENS:** I move that the Senate Recede and Concur.

**THE PRESIDENT:** The Senator from York, Senator **HICHENS,** moves that the Senate **RECEDE** and **CONCUR.**

The Chair will order a Division.

The Chair recognizes the Senator from York, Senator Hichens.

Senator **HICHENS:** Mr. President, 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 the Members 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 recognizes the Senator from Cumberland, Senator Andrews.

Senator **ANDREWS:** Thank you, Mr. President. Mr. President and Men and Women of the Senate. We have debated this Bill extensively a few days ago so I don't want to prolong the agony of this Bill, I simply want to ask you to once again stick with the votes that we had previously on this issue.

I ask you to vote against the motion to Recede and Concur, for two basic reasons: number one, I think that it is very important that we use prudence and good old fashion common sense when it comes to any bond issue whatever it may be. We don't want to spend a penny more on interest payment than we necessarily have to, there is no problem there

at all.

There is a problem when we try to define prudence and common sense with a dollar figure regardless of what it is. A proposal that is fifty thousand dollars under two million dollars as a bond issue is not necessarily that much more imprudent or lacks that much more common sense than a proposal that comes in fifty thousand dollars above two million dollars. So let's reject the notion of an arbitrary dollar figure to define prudence and common sense.

The second argument, Ladies and Gentlemen that has me voting against this motion is that as we all know this law would not have the effect of law. It would have to be a Constitutional Amendment in order for it to make any difference at all to a future Legislature. So, Ladies and Gentlemen of the Senate, in my view a law that doesn't have the affect of law is a definition of an unnecessary law. I ask that you defeat this motion, thank you.

**THE PRESIDENT:** The pending question is the motion by the Senator from York, Senator Hichens, that the Senate Recede and Concur.

The Chair recognizes the Senator from Aroostook, Senator McBreairty.

Senator **MCBREAIRTY:** Mr. President, I wish permission to pair my vote with Senator Trafton. If he were here he would be voting no and I would be voting yes.

**THE PRESIDENT:** The Senator from Aroostook, Senator McBreairty, requests leave of the Senate to Pair his vote with the Senator from Androscoggin, Senator Trafton. If Senator Trafton were here he would be voting No and Senator McBreairty would be voting Yes.

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

It is a vote.

A Yes vote will be in favor of Receding and Concurring.

A No vote will be opposed.

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

#### ROLL CALL

YEAS:—Senators, Black, Brown, Dutremble, Emerson, Erwin, Gill, Hichens, Kany, Maybury, Sewall, Shute, Stover, Twitcheell, Webster.

NAYS:—Senators, Andrews, Bustin, Carpenter, Chalmers, Clark, Danton, Diamond, Dow, Gauvreau, Matthews, Najarian, Pearson, Tuttle, The President—Charles P. Pray.

ABSENT:—Senators, Baldacci, Berube, Perkins, Usher, Violette.

14 Senators having voted in the affirmative and 14 Senators having voted in the negative with 5 Senators being absent and 2 Senators having paired their votes, the motion to **RECEDE** and **CONCUR, FAILED.**

On motion by Senator **CLARK** of Cumberland the Senate **ADHERED.**

(See Action Later Today)

#### House Papers

Bill "An Act to Allow the New Spouse of a Remarried Retirement System Member to be covered After the Member's Death" (H.P. 1020) (L.D. 1473)

Comes from the House referred to the Committee on **AGING, RETIREMENT AND VETERANS** and **ORDERED PRINTED.**

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

Bill "An Act Relating to the Transportation of Pasteurized Milk" (H.P. 1021) (L.D. 1474)

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

Which was referred to the Committee on **AGRICULTURE** and **ORDERED PRINTED,** in concurrence.

Bill "An Act to Revise the Maine Securities Act" (H.P. 1022) (L.D. 1500)

Bill "An Act Concerning Exemptions to Licensing Requirements for Tree Removal" (H.P. 1023) (L.D. 1475)

Bill "An Act to Amend the Provisions Governing the Conversion of a Mutual Insurer" (Emergency) (H.P. 1024) (L.D. 1476)

Comes from the House referred to the Committee on **BUSINESS AND COMMERCE** and **ORDERED PRINTED.**

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

Bill "An Act Concerning Service Requirements for Medical Students" (H.P. 1025) (L.D. 1477)

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

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

Bill "An Act to Reauthorize the Forest Resource Assessment and Marketing Program" (Emergency) (H.P. 1026) (L.D. 1478)

Bill "An Act to Clarify the Use of Public Reserved Lands Acquisition Fund Money" (H.P. 1032) (L.D. 1484)

Comes from the House referred to the Committee on **ENERGY AND NATURAL RESOURCES** and **ORDERED PRINTED.**

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

Bill "An Act to Establish a 5-day Special Muzzle-loading Hunting Season" (H.P. 1027) (L.D. 1479)

Comes from the House referred to the Committee on **FISHERIES AND WILDLIFE** and **ORDERED PRINTED.**

Which was referred to the Committee on **FISHERIES AND WILDLIFE** and **ORDERED PRINTED,** in concurrence.

Bill "An Act to Adjust the Statutory Ceiling for the Certificate of Need Development Account" (H.P. 1028) (L.D. 1480)

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 Providing for a Study of the Unorganized Territory" (H.P. 1029) (L.D. 1481)

Bill "An Act to Exclude Certain Disability Benefits from State Income Tax" (H.P. 1030) (L.D. 1482)

Bill "An Act to Exempt Search and Rescue Units from the Sales and Use Tax" (H.P. 1031) (L.D. 1483)

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

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

#### Reported Pursuant to the Statutes

The Committee on **FISHERIES AND WILDLIFE** pursuant to the Revised Statutes, Title 12, section 7035, subsection 4, paragraph B, reports that the accompanying Bill "An Act to Reimburse the Department of Inland Fisheries and Wildlife for Search and Rescue Operations" (H.P. 1033) (L.D. 1485)

Be referred to the Joint Standing Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** for Public Hearing and **ORDERED PRINTED,** pursuant to Joint Rule 18.

Comes from the House with the Report **READ** and **ACCEPTED,** and the Bill referred to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **ORDERED PRINTED,** pursuant to Joint Rule 18.

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

The Bill referred to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, and **ORDERED PRINTED**, pursuant to Joint Rule 18, in concurrence.

#### COMMUNICATIONS

The Following Communication:

**STATE OF MAINE  
MAINE DEPARTMENT OF CONSERVATION  
STATE HOUSE STATION 22  
AUGUSTA, MAINE 04333**

May 8, 1985

The Honorable Charles P. Pray, President  
Maine Senate

State House Station #3

Augusta, Maine 04333

Dear President Pray:

The Forest Resource Assessment & Marketing Program was created in 1983 by Public Law, chapter 537. Section 2 of that law requires that the Department of Conservation report to the First Regular Session of the 112th Legislature as to the success of the program.

The Forest Resource Assessment & Marketing Program has, in fact, been an unqualified success. A number of useful studies have been completed, or are near completion, which are critical to an organized approach to the development of forest resource industries. In addition, the program has worked closely with a number of firms in realizing specific forest resource related development projects. A number of these which should begin construction soon account for approximately \$155 million in construction costs and hundreds of jobs.

A more detailed report of the activities of the Program is attached.

Sincerely,  
S/ RICHARD B. ANDERSON  
Commissioner

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

#### 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 to Provide Equity Among Municipalities with Regard to Property Tax Assessment" (H.P. 762) (L.D. 1082)

Bill "An Act Concerning Registration and Excise Tax on Recreational Vehicles" (H.P. 887) (L.D. 1244)

Bill "An Act to Allow Collection of the County Tax" (H.P. 763) (L.D. 1083)

Bill "An Act Permitting Addresses to be Obtained from State Tax Information and Used for the Proper Operation of the Maine State Retirement System" (H.P. 402) (L.D. 555)

Resolve, Concerning State Government Reorganization (H.P. 649) (L.D. 919)

##### 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 Implement the Policy in Favor of Universal Telephone Service" (H.P. 210) (L.D. 244)

Bill "An Act to Allow Municipal Officers to Waive Foreclosure of a Real Estate Tax Lien as an Alternative to Granting a Poverty Tax Abatement" (H.P. 138) (L.D. 163)

Bill "An Act Concerning Tax Assessors and Assessments" (H.P. 886) (L.D. 1243)

Bill "An Act Establishing a Farm Equipment Tax Exemption Number" (H.P. 846) (L.D. 1195)

Bill "An Act to Prohibit Banks from Charging an Assumption Fee for Assumable Mortgages" (H.P. 817) (L.D. 1158)

Bill "An Act Concerning Conversion of

Mutual Financial Institutions" (H.P. 895) (L.D. 1290)

Bill "An Act to Protect Tenants Affected by Condominium Conversions" (H.P. 519) (L.D. 724)

Bill "An Act to Require Tenants Injured on the Landlord's Premises to Notify the Landlord Within 30 Days of the Injury" (H.P. 444) (L.D. 626)

Bill "An Act to Change the Date of the Primary Election to the First Tuesday after the 2nd Monday in September" (H.P. 116) (L.D. 141)

Bill "An Act to Promote Aviation and Aerospace Technology in Maine Schools" (H.P. 840) (L.D. 1190)

#### Change of Reference

The Committee on **EDUCATION** on Bill "An Act to Provide for the Education of Students Residing in Long-term Drug Treatment Centers" (H.P. 719) (L.D. 1029)

Reports that the same be **REFERRED** to the Joint Select Committee on **ALCOHOLISM SERVICES**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Joint Select Committee on **ALCOHOLISM SERVICES**.

Which Report was **READ**.

#### Senate at Ease

The Senate called to Order by the President.

On motion by Senator **CLARK** of Cumberland the Bill was **SUBSTITUTED FOR THE COMMITTEE REPORT**, in **NON-CONCURRENCE**.

The Bill **READ ONCE**.

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

The Committee on **TAXATION** on Bill "An Act to Create the Northern and Eastern Maine Emergency Forestry District" (H.P. 245) (L.D. 286)

Reported that the same be **REFERRED** to the Committee on **ENERGY AND NATURAL RESOURCES**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **ENERGY AND NATURAL RESOURCES**.

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

The Bill **REFERRED** to the Committee on **ENERGY AND NATURAL RESOURCES**, in concurrence.

#### Ought to Pass

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Make Allocations for the Administrative Expenses of the Bureau of Alcoholic Beverages, the Department of Finance and Administration and the State Liquor Commission for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) (H.P. 374) (L.D. 515)

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**.

Senator **CLARK** of Cumberland was granted unanimous consent to address the Senate, Off the Record.

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

Senator **CLARK:** Mr. President, I request that Members of the Senate be given leave to remove their jackets for the duration of this day's session.

**THE PRESIDENT:** The Senator from

Cumberland, Senator Clark requests leave of the Senate that the Senators be allowed to remove their jackets.

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

It is a vote.

The Committee on **AUDIT AND PROGRAM REVIEW** on Bill "An Act to Amend the Maine Community Services Act" (H.P. 266) (L.D. 336)

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 **MARINE RESOURCES** on Bill "An Act Concerning Striped Bass" (H.P. 572) (L.D. 843)

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 **HUMAN RESOURCES** on Resolve, Creating the Commission to Study Emergency Medical Services in Maine (H.P. 341) (L.D. 458)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-116)

Comes from the House, with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-116).

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

The Resolve **READ ONCE**.

Committee Amendment "A" (H-116) **READ** and **ADOPTED**, in concurrence.

The Resolve as **AMENDED TOMORROW ASSIGNED FOR SECOND READING**.

The Committee on **JUDICIARY** on Bill "An Act to Clarify Sentences Permissible for a Crime Committed by a Parolee" (H.P. 588) (L.D. 858)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-117).

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-117).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-117) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act to Amend Certain Aspects of Post-conviction Review" (H.P. 361) (L.D. 481)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-118).

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-118).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-118) **READ** and **ADOPTED**, in concurrence.

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

**Ought to Pass in New Draft**

The Committee on **LABOR** on Bill "An Act Requiring Employee Rest Breaks" (H.P. 264) (L.D. 318)

Reported that the same **Ought to Pass in New Draft** under same title (H.P. 1018) (L.D. 1471)

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.**

**Ought to Pass in New Draft under New Title**

The Committee on **HUMAN RESOURCES** on Bill "An Act to Require the Reporting of Occupationally-related Cancers" (H.P. 357) (L.D. 477)

Reported the same **Ought to Pass in New Draft under New Title** Bill "An Act to Require the Reporting of Factors Contributing to the Causation of Cancer" (H.P. 1019) (L.D. 1472)

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

Which Report was **READ** and **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 Not To Pass**

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

Bill "An Act to Limit the Duplication of Benefits under the Workers' Compensation Act" (S.P. 250) (L.D. 645)

**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 Change the Exemption for Farm Family Corporations from 4 to 8 Employees under the Workers' Compensation Law" (S.P. 155) (L.D. 422)

Bill "An Act Allowing an Exemption from the Requirements of the Workers' Compensation Act for Certain Employers Employing less than 3 Persons" (S.P. 452) (L.D. 1255)

Bill "An Act to Fund New, Expanded and Innovative Child Care Programs in this State" (S.P. 367) (L.D. 1001)

Bill "An Act Concerning Compelling Evidence in Criminal Proceedings" (S.P. 392) (L.D. 1091)

**Ought to Pass**

Senator **ERWIN** for the Committee on **TRANSPORTATION** on 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)

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

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

The Bill **READ ONCE.**

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

**Ought to Pass in New Draft**

Senator **BUSTIN** for the Committee on **BUSINESS AND COMMERCE** on Bill "An Act Relating to Prearranged Funerals or Burial

Plans" (S.P. 224) (L.D. 587)

Reported that the same **Ought to Pass in New Draft** under same title (S.P. 571) (L.D. 1498)

Which Report was **READ** and **ACCEPTED.** The Bill in **NEW DRAFT READ ONCE.**

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

**Off Record Remarks**

Senator **ANDREWS** for the Committee on **UTILITIES** on Bill "An Act to Simplify and Clarify the Public Utilities Commission's Authority Over Utility Issuance of Stocks, Bonds and Notes" (S.P. 119) (L.D. 334)

Reported that the same **Ought to Pass in New Draft** under same title (S.P. 574) (L.D. 1499)

Which Report was **READ** and **ACCEPTED.** The Bill in **NEW DRAFT READ ONCE.**

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

**Ought to Pass in New Draft under New Title**

Senator **EMERSON** for the Committee on **ENERGY AND NATURAL RESOURCES** on Resolve, to Establish an Advisory Commission on Public Lands Policy and Management (Emergency) (S.P. 238) (L.D. 632)

Reported the same **Ought to Pass in New Draft under New Title** Bill "An Act Regarding the Bureau of Public Lands" (S.P. 575) (L.D. 1515)

Which Report was **READ** and **ACCEPTED.** On motion by Senator **CLARK** of Cumberland Tabled 1 Legislative Day, pending **FIRST READING.**

**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Increase the number of Superior Court Justices and District Court Judges" (S.P. 197) (L.D. 523)

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

Signed:

Senators:

**CARPENTER** of Aroostook  
**CHALMERS** of Knox  
**SEWALL** of Lincoln

Representatives:

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

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

Signed:

Representatives:

**CARRIER** of Westbrook  
**STETSON** of Damariscotta

Which Reports were **READ.**

The Majority **OUGHT TO PASS AS AMENDED** Report was **ACCEPTED.**

The Bill **READ ONCE.**

Committee Amendment "A" (S-81) **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:

**House As Amended**

Bill "An Act to Amend the Charter of the Bustin's Island Village Corporation" (Emergency) (H.P. 38) (L.D. 40) (C "A" H-115)

Bill "An Act Relating to Membership on the Board of Trustees of the Criminal Justice Academy" (H.P. 1016) (L.D. 1465) (H "A" H-119)

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

**Senate As Amended**

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) (C "A" S-80)

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) (C "A" S-78)

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

**ORDERS OF THE DAY**

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

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

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

Pending - **ENACTMENT**

(In House, May 8, 1985, **PASSED TO BE ENACTED.**)

(In Senate, May 1, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-99)** in concurrence.)

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

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

**COMMITTEE REPORTS**

**Senate**

**Ought to Pass As Amended**

Senator **SEWALL** for the Committee on **JUDICIARY** on Bill "An Act Relating to Theft Offenses" (S.P. 326) (L.D. 815)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-82)**

Which Report was **READ** and **ACCEPTED.** The Bill **READ ONCE.**

Committee Amendment "A" (S-82) **READ** and **ADOPTED.**

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

**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Amend the Statutes on Sex Offenses" (S.P. 283) (L.D. 772)

Reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-83).**

Signed:

Senators:

**CARPENTER** of Aroostook  
**CHALMERS** of Knox  
**SEWALL** of Lincoln

Representatives:

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

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

Signed:

Representative:

**CARRIER** of Westbrook

Which Reports were **READ.**

The Majority **OUGHT TO PASS AS AMENDED** Report was **ACCEPTED.**

The Bill **READ ONCE.**

Committee Amendment "A" (S-83) **READ** and **ADOPTED.**

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

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

**COMMITTEE REPORTS**

**Senate**

**Ought Not To Pass**

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

Bill "An Act to Provide for the Taking of One Spruce Partridge in the Daily Bag Limit" (S.P. 345) (L.D. 940)

**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 the Length of the Bear Hunting Season" (S.P. 341) (L.D. 927)

Bill "An Act to Restructure the Employees' Health Insurance Program and Include the Program within the Risk Management Division, Department of Finance and Administration" (S.P. 406) (L.D. 1131)

Bill "An Act to Expedite Legislative Sessions" (Emergency) (S.P. 216) (L.D. 574)

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

**COMMITTEE REPORTS**

**Senate**

**Ought Not To Pass**

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

Bill "An Act Concerning Notification Under the Workers' Compensation Laws" (S.P. 328) (L.D. 817)

**Ought to Pass**

Senator **CHALMERS** for the Committee on **MARINE RESOURCES** on Bill "An Act to Repeal the Minimum Size for Scallops" (S.P. 393) (L.D. 1092)

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

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

The Bill **READ ONCE.**

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

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

**COMMITTEE REPORTS**

**Senate**

**Ought Not To Pass**

The following **Ought Not To Pass** 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 Admissibility of Certain Statements in Workers' Compensation Cases" (S.P. 165) (L.D. 434)

**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 Concerning School Prayer" (S.P. 246) (L.D. 641)

**Ought to Pass As Amended**

Senator **BROWN** for the Committee on **EDUCATION** on Bill "An Act to Amend the Law Pertaining to Postgraduate Education in the Field of Medicine" (S.P. 369) (L.D. 1003)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-84)**

Which Report was **READ** and **ACCEPTED.**  
The Bill **READ ONCE.**

Committee Amendment "A" (S-84) **READ** and **ADOPTED.**

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

Senator **BROWN** for the Committee on **EDUCATION** on Bill "An Act to Amend the Law Concerning the Student Incentive Scholarship Program Under the Education Law" (S.P. 68) (L.D.119)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-85)**

Which Report was **READ** and **ACCEPTED.**  
The Bill **READ ONCE.**

**Senate at Ease**

The Senate called to order by the President.

Committee Amendment "A" (S-85) **READ** and **ADOPTED.**

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

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

**COMMUNICATIONS**

The Following Communication:

**COMMITTEE ON EDUCATION  
112th LEGISLATURE**

May 10, 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 Education has had under consideration the nomination of Frank Farrington of Bangor, as a member of the State Board of Education.

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 2  
Representatives 10

NAYS: 0

ABSENT: 1 (Sen. Gauvreau of Androscoggin)

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 Frank Farrington of Bangor, as a member of the State Board of Education be confirmed.

Sincerely,

S/ LARRY BROWN

Senate Chair

S/ ADA BROWN

House Chair

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

**THE PRESIDENT:** The Joint Standing Committee on **EDUCATION** has recommended that the nomination of **Frank Farrington** be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on **EDUCATION** 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, Andrews, Black, Brown, Bustin, Carpenter, Chalmers, Clark, Danton, Diamond, Dow, Dutremble, Emerson, Erwin, Gauvreau, Gill, Hichens, Kany, Matthews, Maybury, McBreairty, Najarian, Pearson,

Sewall, Shute, Stover, Tuttle, Twitchell, Usher, The President - Charles P. Pray

ABSENT:—Senators, Baldacci, Berube, Perkins, Trafton, Violette

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 **Frank Farrington** was **CONFIRMED.**

The Secretary has so informed the Speaker of the House.

**Off Record Remarks**

Senator **BROWN** of Washington was granted unanimous consent to address the Senate Off the Record.

The Following Communication:

**COMMITTEE ON EDUCATION  
112th LEGISLATURE**

May 10, 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 Education has had under consideration the nomination of Joyce M. Roach of Smyrna, as a member of the State Board of Education.

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 10

NAYS: 0

ABSENT: 0

Thirteen 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 Joyce M. Roach of Smyrna, as a member of the State Board of Education be confirmed.

Sincerely,

S/ LARRY BROWN

Senate Chair

S/ ADA BROWN

House Chair

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

**THE PRESIDENT:** The Joint Standing Committee on **EDUCATION** has recommended that the nomination of **Joyce M. Roach** be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on **EDUCATION** 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.

The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator **PEARSON:** Mr. President and Men and Women of the Senate. I very, very rarely rise to talk about any of these nominations because after they have been screened by Committees they are very routine, but I think that the State is indeed fortunate to have Joyce Roach of Smyrna as a Member of the State Board of Education.

She is in my view one of the most excellent choices that the Governor has made.

**THE PRESIDENT:** 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, Andrews, Black, Brown, Bustin, Carpenter, Chalmers, Clark, Danton, Diamond, Dow, Dutremble, Emerson, Erwin, Gauvreau, Gill, Hichens, Kany, Matthews, Maybury, McBreairty, Najarian, Pearson, Sewall, Shute, Stover, Tuttle, Twitchell, Usher, Webster, The President - Charles P. Pray.

ABSENT:—Senators, Baldacci, Berube, Perkins, Trafton, Violette

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 **Joyce M. Roach** was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

On motion by Senator **CLARK** of Cumberland, moved the Senate **RECONSIDER** its action whereby it **ADHERED** on:

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

The Chair recognizes the Senator from Cumberland, Senator Gill.

Senator **GILL**: Mr. President I would like a Roll Call on this motion.

**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 the Members 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 recognizes the Senator from York, Senator Durtemble.

Senator **DUTREMBLE**: Mr. President I request leave of the Senate to Pair my vote with the Senator from Androscoggin, Senator Berube. If Senator Berube were here she would be voting no and I would be voting yes.

**THE PRESIDENT**: The Senator from York, Senator Dutremble requests leave of the Senate to Pair his vote with the Senator from Androscoggin, Senator Berube. If Senator Berube were here she would be voting no and Senator Dutremble would be voting yes

Is it the Pleasure of the Senate to grant this leave?

It is a vote.

The Chair recognizes the Senator from Washington, Senator Brown.

Senator **BROWN**: Thank you, Mr. President. I would request leave of the Senate to Pair my vote with the Senator from Aroostook, Senator Violette. If he were here he would be voting No and I would be voting Yes.

**THE PRESIDENT**: The Senator from Washington, Senator Brown requests leave of the Senate to Pair his vote with the Senator from Aroostook, Senator Violette. If Senator Violette were here he would be voting No and Senator Brown would be voting Yes.

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

It is a vote.

The pending question is Reconsideration.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the roll.

**ROLL CALL**

YEAS:—Senators, Emerson, Erwin, Gill, Hichens, Kany, Maybury, McBreairty, Sewall, Shute, Tuttle, Twitchell, Webster

NAYS:—Senators, Andrews, Black, Bustin, Carpenter, Chalmers, Clark, Danton, Diamond, Dow, Gauvreau, Matthews, Najarian, Pearson, Usher, The President - Charles P. Pray

ABSENT:—Senators, Baldacci, Perkins, Trafton

Senator **BLACK** of Cumberland was granted permission to change his vote from Nay to Yea.

14 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 3 Senators being absent and 4 Senators having Paired their votes, the motion to **RECONSIDER, FAILED**.

Off Record Remarks

Senator **TWITCHELL** of Oxford was granted unanimous consent to address the Senate, Off the Record.

Senator **GAUVREAU** of Androscoggin, was granted unanimous consent to address the Senate On the Record.

Senator **GAUVREAU**: Thank you Mr. President. Men and Women of the Maine Senate, I rise this morning with respect to an item which was on supplement number three, L.D. 817.

This morning the Senate accepted the unanimous recommendation of the Committee on Labor that L.D. 817, "An Act Concerning Notification Under the Workers Compensation Laws" Ought Not to Pass. I respect and accept the Ought Not to Pass. I respect and accept the decision of the Committee.

This is a bill that Senator Matthews sponsored and I was pleased to be a co-sponsor, I very seldom rise regarding bills of this nature which I am on the wrong side of a unanimous report, but I do think that the Bill addresses a basic problem which will not go away.

Currently under our Workers' Compensation Law an injured worker has only thirty days after he or she is injured in which to report the injury to his or her employer. Now in the vast majority of cases this rule makes a great deal of sense, but there are certain injuries: soft tissue, other types of injuries which in fact are latent in nature and which might be dismissed by the employee as insignificant, however with the passage of time those injuries take on a different nature and sometimes require hospitalization or in fact become disabling. Now the employee under a perfect system might routinely file reports with the employer on all injuries, but as a practical matter many employees have legitimate concerns for their job safety if they routinely report such minor injuries. On a rare occasion, but it does happen with disturbing frequency, injured workers may in fact be forever precluded from filing what otherwise would be a completely mandatorius claim due to the so-called "thirty day rule".

As a result of that all of society bears the cost because the injured worker will have to apply for general assistance or welfare rather than receive compensation from the party which was directly responsible for the injury, to whit the employer.

I recognize that this is not perhaps the year that this matter will receive Legislative solution because of the thrust of the Governor's package and other initiatives to reduce the cost of Workers' Compensation.

I only point out that we are not talking about a great deal of money here, what we are talking about are basic fundamental issues of fairness, so that issue will not go away.

I just wanted to bring that matter to the attention of the Senate. Thank you.

Senator **DIAMOND** of Cumberland, was granted unanimous consent to address the Senate Off the Record.

Off Record Remarks

On motion by Senator **BROWN** of Washington,

**ADJOURNED** until Monday, May, 13, 1985, at 9 o'clock in the morning.