

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Twelfth
Legislature***

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

December 5, 1984 - June 20, 1985

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August 29, 1985

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STATE OF MAINE
One Hundred and Twelfth Legislature
First Regular Session
JOURNAL OF THE SENATE
In Senate Chamber
Thursday
June 6, 1985
Senate called to Order by the President.

Prayer by Reverend Robert E. Stuart of the Winter Street Baptist Church in Gardiner.

REVEREND STUART: May we look to God together in prayer. Almighty God, our gracious and loving Heavenly Father, we would thank You for all of Your bounty and blessing unto us the rest of the night and for this new day and we acknowledge our need to look to You for guidance in the work of this day.

Thank You for the rain that waters the earth, for the health and life that we experience. Grant us grace to be faithful and responsible in the trust that You have given to us in behalf of our State Government.

We pray for a sensitive, conscious and alert mind regarding the issues and the concerns that are ours to consider this day. May we work toward equity and justice for all. May that which we do here today be in keeping with Your will and purposes and for the benefit of all in our State together.

For we pray in Christ's our redeemer, in whose name we pray, Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE Non-concurrent Matter

Bill "An Act Requiring the Department of Human Services to Provide Medicaid Funded Consumer Directed Personal Care Assistance" (S.P. 485) (L.D. 1313)

(In Senate June 3, 1985, **PASSED TO BE ENGROSSED**.)

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-337)** in **NON-CONCURRENCE**.

The Senate **RECEDED** and **CONCURRED**.

Non-concurrent Matter

Bill "An Act to Restrict certain Agencies with Respect to Purchases of Real Property" (H.P. 630) (L.D. 774) (S "A" S-198 to S "A" S-125)

(In House May 30, 1985, **PASSED TO BE ENACTED**.)

(In Senate June 4, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-125) AS AMENDED BY SENATE AMENDMENT "A" (S-198)**, thereto in **NON-CONCURRENCE**.)

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

The Senate **RECEDED** and **CONCURRED**.

COMMUNICATIONS

The Following Communication:

STATE OF MAINE
HOSUE OF REPRESENTATIVES
AUGUSTA 04333

June 5, 1985

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

The House voted today to adhere to its former action whereby it indefinitely Postponed Bill "An Act to Provide for Public Participation in the Development of Emergency Plans" (S.P. 554) (L.D. 1486)

Sincerely,
S' EDWIN H. PERT
Clerk of the House

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

SENATE PAPERS

Bill "An Act Amending the Charter of Farm-

ington Village Corporation" (Emergency) (S.P. 629) (L.D. 1647) (Presented by Senator **WEBSTER** of Franklin) (Cosponsored by: Representative **ROBERTS** of Farmington) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27)

Which was referred to the Committee on **LOCAL AND COUNTY GOVERNMENT** and **ORDERED PRINTED**.

Sent down for concurrence.

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on **BUSINESS AND COMMERCE** on Bill "An Act to Revise the Maine Securities Act" (H.P. 1022) (L.D. 1500)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-333)**.

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-333)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-333) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act Concerning the Forest Resources of Maine" (H.P. 1069) (L.D. 1550)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-318)**.

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-318) AS AMENDED BY HOUSE AMENDMENT "A" (H-329)**, thereto and **HOUSE AMENDMENT "A" (H-340)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-318) **READ**. House Amendment "A" (H-329) to Committee Amendment "A" (H-318) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-318) as Amended by House Amendment "A" (H-329), thereto **ADOPTED**, in concurrence.

House Amendment "A" (H-340) **READ**.

On motion by Senator **VIOLETTE** of Aroostook, Tabled until Later in Today's session, pending **ADOPTION OF HOUSE AMENDMENT "A" (H-340)**.

The Committee on **LEGAL AFFAIRS** on Bill "An Act to Amend the Election Laws" (H.P. 274) (L.D. 344)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-214)**.

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-214) AS AMENDED BY HOUSE AMENDMENTS "A" (H-316) AND "C" (H-332)**, thereto.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-214) **READ**. House Amendment "A" (H-316) to Committee Amendment "A" (H-214) **READ**.

On motion by Senator **TRAFTON** of Androscoggin, House Amendment "A" (H-316) to Committee Amendment "A" (H-214) **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

House Amendment "C" (H-332) to Committee Amendment "A" (H-214) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-214) as Amended by House Amendment "C" (H-332), thereto was **ADOPTED**, in **NON-CONCURRENCE**.

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

Divided Report

The Majority of the Committee on **ENERGY AND NATURAL RESOURCES** on Resolve, Authorizing the Exchange or Sale of Certain Public Reserved Lands (H.P. 1060) (L.D. 1546)

Reported that the same **Ought to Pass as Amended by Committee "A" (H-334)**.

Signed:

Senators:

USHER of Cumberland
KANY of Kennebec
EMERSON of Penobscot

Representatives:

MICHAUD of Medway
JACQUES of Waterville
RIDLEY of Shapleigh
COLES of Harpswell
HOGLUND of Portland
DEXTER of Kingfield
BROWN of Livermore Falls
HOLLOWAY of Edgecomb
LAW of Dover-Foxcroft

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-335)**.

Signed:

Representative:

MITCHELL of Freeport

Comes from the House with the Majority **OUCH TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-334)** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE "A" (H-334)**.

Which Reports were **READ**.

The Majority **OUCH TO PASS AS AMENDED** Report was **ACCEPTED**, in concurrence.

The Resolve **READ ONCE**.

Committee Amendment "A" (H-334) **READ** and **ADOPTED**, in concurrence.

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

Senate

Ought to Pass As Amended

Senator **CARPENTER** for the Committee on **JUDICIARY** on Bill "An Act to Amend the Code of Fair Practices and Affirmative Action as the Equal Opportunity Standard for State Financed Agencies" (S.P. 166) (L.D. 453)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-222)**

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

Committee Amendment "A" (S-222) **READ** and **ADOPTED**.

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

Senator **SEWALL** for the Committee on **JUDICIARY** on Bill "An Act to Clarify Recoverable Costs in Civil Actions" (S.P. 277) (L.D. 735)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-223)**

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

Committee Amendment "A" (S-223) **READ** and **ADOPTED**.

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

Divided Report

The Majority of the Committee on **HUMAN RESOURCES** on Bill "An Act to Provide Adequate Medical Services for Victims of Rape, Gross Sexual Misconduct or Sexual Abuse" (S.P. 427) (L.D. 1184)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-225)**.

Signed:

Senators:

BUSTIN of Kennebec
BERUBE of Androscoggin
GILL of Cumberland

Representatives:

SEAVEY of Kennebunkport
TAYLOR of Camden
MELENDY of Rockland
CARROLL of Gray
NELSON of Portland
KIMBALL of Buxton
PINES of Limestone
ROLDE of York

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

Signed:

Representatives:

BRODEUR of Auburn
MANNING of Portland

Which Reports were **READ**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-225) **READ** and **ADOPTED**.

The Bill as **Amended TOMORROW AS-SIGNED FOR SECOND READING**.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Include the Term "Sexual Orientation" in the Maine Human Rights Act" (S.P. 446) (L.D. 1249)

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

Signed:

Senator:

SEWALL of Lincoln

Representatives:

ALLEN of Washington
DRINKWATER of Belfast
STETSON of Damariscotta
LEBOWITZ of Bangor
MacBRIDE of Presque Isle
KANE of South Portland
CARRIER of Westbrook

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-221)**.

Signed:

Senators:

CHALMERS of Knox
CARPENTER of Aroostook

Representatives:

COOPER of Windham
PRIEST of Brunswick
PARADIS of Augusta

Which Reports were **READ**.

On motion by Senator **VIOLETTE** of Aroostook, Tabled until Later in Today's session, pending the **ACCEPTANCE OF EITHER REPORT**.

SECOND READERS

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

House As Amended

Bill "An Act to Provide Expanded Markets for Products and Services from Rehabilitation Facilities and Work Centers" (Emergency) (H.P. 1075) (L.D. 1564) (C "A" H-327)

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

Senate

Bill "An Act to Adopt the Uniform Conservation Easement Act" (S.P. 626) (L.D. 1640)

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Implement the Recommendations of the State Compensation Commission" (Emergency) (S.P. 91) (L.D. 289) (C "A" S-214)

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 Relating to Payment of Back Contributions and Withdrawn Contributions by Members of the Maine State Retirement System (S.P. 241) (L.D. 636) (S "A" S-195)

An Act Concerning Inspection of Safety Seat Belts (H.P. 432) (L.D. 612) (H "A" H-314; C "A" H-265)

An Act to Provide Penalties for Violations of Antitrust Statutes (H.P. 809) (L.D. 1156) (C "A" H-305)

An Act Establishing a System for the Reporting of Selected Neurological Disorders (H.P. 956) (L.D. 1376) (C "A" H-291)

An Act Concerning Extension of the Permit Processing Period for Hydropower Projects (H.P. 1051) (L.D. 1527) (C "A" H-304)

An Act to Require Adequate Notice of Tax Lien Foreclosure (H.P. 1090) (L.D. 1583) (H "A" H-210; H "C" H-289)

An Act to Protect the Voting Rights of Township Residents (H.P. 1097) (L.D. 1590) (H "B" H-298)

An Act to Examine the Lobster Resources of the State (H.P. 1124) (L.D. 1620) (S "A" S-188)

An Act to Establish a Maine-New Hampshire Boundary Commission (H.P. 1049) (L.D. 1525) (C "A" H-276)

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 Provide Supported Employment for Disabled Persons (S.P. 236) (L.D. 630) (C "A" S-197)

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

An Act Relating to the Allowance of Prior Service Credit under the Maine Retirement Law for Military Service (S.P. 243) (L.D. 638) (C "A" S-185)

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

An Act to Amend the Concealed Weapons Law (S.P. 331) (L.D. 819) (C "A" S-194)

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

An Act to Provide for Contingency Needs of Intermediate Care Facilities for the Mentally Retarded (S.P. 346) (L.D. 941) (C "A" S-204)

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

An Act Relating to Medicaid Reimbursement Rates for Audiology and Speech Pathology (S.P. 351) (L.D. 999) (C "A" S-196)

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

An Act to Clarify and Improve the Laws on Education in the Unorganized Territory (S.P. 381) (L.D. 1048) (C "A" S-182)

On motion by Senator **PEARSON** of Penobscot, Tabled until Later in Today's session, pending **PASSAGE TO BE ENACTED**.

An Act Relating to a Support System in the State for Epileptics (S.P. 548) (L.D. 1462) (C "A" S-191)

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

An Act to Provide for State Research Grants (H.P. 707) (L.D. 1017) (C "A" H-297)

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

An Act to Provide Pension Rights to Morris G. Pilot (H.P. 841) (L.D. 1191) (C "A" H-303)

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

An Act to Further Competition in the Liquor Trade (H.P. 1119) (L.D. 1615) (H "D" H-290)

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

An Act to Protect Shareholders in Maine Corporations (H.P. 678) (L.D. 965) (C "A" H-280)

On motion by Senator **TRAFTON** of Androscoggin, tabled 2 Legislative Days, pending **PASSAGE TO BE ENACTED**.

An Act Concerning Coverage of Certain Trials by the Electronic Media (H.P. 820) (L.D. 1161) (C "A" H-275)

Comes from the House with the Bill and Accompanying Papers **INDEFINITELY POSTPONED**.

Which was **PASSED TO BE ENACTED** in **NON-CONCURRENCE**.

Sent down for concurrence.

Under suspension of the Rules, the Senate considered the following inclusively:

Emergency

An Act to Make Allocations from the Transportation Safety Fund for the Fiscal Years Ending June 30, 1986, and June 30, 1987 (S.P. 210) (L.D. 568)

Emergency

An Act to Make Supplemental Allocations to the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1986, and June 30, 1987 (S.P. 335) (L.D. 898) (C "A" S-177)

Emergency

An Act to Make Supplemental Allocations from the Transportation Safety Fund for the Fiscal Years Ending June 30, 1986, and June 30, 1987 (H.P. 404) (L.D. 557)

These being Emergency Measures and having received the affirmative vote of 26 Members of the Senate, with No Senators having voted in negative, and 26 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

An Act to Create the Maine Rainy Day Fund (H.P. 521) (L.D. 741) (C "A" H-301)

On motion by Senator **PEARSON** of Penobscot, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENACTED**.

Emergency

An Act to Amend Certain Motor Vehicle Laws (S.P. 605) (L.D. 1599) (S "A" S-200)

On motion by Senator **DANTON** of York, placed on the **SPECIAL HIGHWAY APPROPRIATIONS TABLE**, pending **PASSAGE TO BE ENACTED**.

ORDERS OF THE DAY

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

Bill "An Act to Establish Legislative Council Oversight of Expenditures for Joint Standing Committees, Joint Select Committees and Legislative Investigating Committees" (S.P. 587) (L.D. 1544) (C "A" S-210)

Tabled — June 5, 1985, by Senator **VIOLETTE** of Aroostook.

Pending — **PASSAGE TO BE ENGROSSED AS AMENDED** in **NON-CONCURRENCE**.

(In Senate June 5, 1985, **READ A SECOND TIME**.)

(In House May 20, 1985, referred to the Committee on **STATE GOVERNMENT** and **ORDERED PRINTED**.)

On motion by Senator **VIOLETTE** of Aroostook, Tabled until Later in Today's session, pending **PASSAGE TO BE ENGROSSED AS AMENDED** in **NON-CONCURRENCE**.

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

SENATE REPORTS — from the Committee on **UTILITIES** on Bill "An Act to Require Public Utilities Commission Approval of Significant Agreements and Contracts by Public Utilities" (S.P. 436) (L.D. 1203)

Majority Report — **Ought Not to Pass**

Minority Report — **Ought to Pass as Amended by Committee Amendment "A"** (S-212)

Tabled — June 5, 1985, by Senator **VIOLETTE** of Aroostook.

Pending — Motion of Senator **BALDACCI** of Penobscot to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report

(In Senate June 4, 1985, Reports **READ**.)

On motion by Senator **VIOLETTE** of Aroostook, tabled Unassigned, pending the motion by Senator **BALDACCI** of Penobscot, to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Bill "An Act to Establish the State Employee Assistance Program" (S.P. 501) (L.D. 1362) (C "A" S-173)

Tabled — June 5, 1985, by Senator **VIOLETTE** of Aroostook.

Pending — **PASSAGE TO BE ENGROSSED AS AMENDED**.

(In Senate June 3, 1985, **READ A SECOND TIME**.)

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 it **ADOPTED** Committee Amendment "A" (S-173).

On further motion by the same Senator, Senate Amendment "A" (S-224) to Committee Amendment "A" (S-173) **READ**.

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

Senator **KANY:** Thank you, Mr. President and Senators. Just a brief explanation of the Amendment.

It's purpose is to provide standard provisions to the Bill with respect to staff that are applied to most other agencies and the number of personnel and pay ranges of the staff that are restricted by the appropriation provided in the budget.

Senate Amendment "A" (S-224) to Committee Amendment "A" (S-173) **ADOPTED**.

Committee Amendment "A" (S-173) as Amended by Senate Amendment "A" (S-224) thereto, was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down for concurrence.

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

An Act to Implement the Recommendations of the Maine Land and Water Resources Coun-

cil Ground Water Review Policy Committee (S.P. 353) (L.D. 961) (S "A" S-213; H "A" H-244 to C "A" S-132)

Tabled — June 5, 1985, by Senator **VIOLETTE** of Aroostook.

Pending — **PASSAGE TO BE ENGROSSED AS AMENDED** in **NON-CONCURRENCE**

(In Senate June 5, 1985, **RECONSIDERED** **PASSAGE TO BE ENGROSSED**. Senate Amendment "A" (S-213) **READ** and **ADOPTED**. House Amendment "A" (H-295)

INDEFINITELY POSTPONED in **NON-CONCURRENCE**.)

(In House June 4, 1985, **PASSED TO BE ENACTED**.)

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

Sent down for concurrence.

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

Bill "An Act Regarding Members of the Public Serving on State Licensing Boards" (H.P. 1125) (L.D. 1631)

Tabled — June 5, 1985, by Senator **VIOLETTE** of Aroostook.

Pending — **PASSAGE TO BE ENGROSSED** in **NON-CONCURRENCE**

(In Senate June 5, 1985, **READ A SECOND TIME**.)

(In House June 4, 1985, Bill and Accompanying Papers **INDEFINITELY POSTPONED**.)

On motion by Senator **VIOLETTE** of Aroostook, Tabled until Later in Today's session, pending **PASSAGE TO BE ENGROSSED** in **NON-CONCURRENCE**.

Senate At Ease

Senate called to Order by the President

HELD ITEM

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

Senator **CARPENTER:** Mr. President, is the Senate in possession of L.D. 1381?

THE PRESIDENT: The Chair would answer in the affirmative, the Bill having been held at the Senators request.

An Act to Amend the Wood Measurement Laws (Emergency) (H.P. 960) (L.D. 1381) (C "A" H-272)

(In House June 4, 1985, **PASSED TO BE ENACTED**.)

(In Senate June 5, 1985, **FAILED OF ENACTMENT** in **NON-CONCURRENCE**.)

Senator **CARPENTER** of Aroostook moved that the Senate **RECONSIDER** its action whereby this Bill **FAILED OF ENACTMENT**.

On motion by Senator **USHER** of Cumberland, Tabled until Later in Today's session, pending the motion by Senator **CARPENTER** of Aroostook, to **RECONSIDER** whereby the Bill **FAILED ENACTMENT**.

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

Senator **PERKINS** of Hancock was granted unanimous consent to address the Senate Off the Record.

Off Record Remarks

On motion by Senator **WEBSTER** of Franklin, **RECESSED** until the sound of the Bell.

After Recess

Senate called to Order by the President.

ORDERS OF THE DAY

The President laid before the Senate the Tabled and Later Today Assigned matter:

Bill "An Act Concerning the Forest Resources of Maine" (H.P. 1069) (L.D. 1550)

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

Pending — **ADOPTION** of House Amendment "A" (H-340), in concurrence.

(In Senate June 6, 1985, Committee Amendment "A" (H-318) as Amended by House Amendment "A" (H-329), thereto **READ** and **ADOPTED**, in concurrence. House Amendment "A" (H-340) **READ**.)

(In House June 5, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-318) **AS AMENDED BY HOUSE AMENDMENT "A"** (H-329), thereto and **HOUSE AMENDMENT "A"** (H-340).

On motion by Senator **CLARK** of Cumberland, Tabled 1 Legislative Day, pending **ADOPTION** of House Amendment "A" (H-340), in concurrence.

Off Record Remarks

The President laid before the Senate the Tabled and Later Today Assigned matter:

SENATE REPORTS — from the Committee on **JUDICIARY** on Bill "An Act to Include the Term "Sexual Orientation" in the Maine Human Rights Act" (S.P. 446) (L.D. 1249)

Majority Report — **Ought Not to Pass**

Minority Report — **Ought to Pass as Amended by Committee Amendment "A"** (S-221)

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

Pending — **ACCEPTANCE OF EITHER REPORT**.

(In Senate June 6, 1985, Reports **READ**.)

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

Senator **CARPENTER:** Mr. President, I move the Senate Accept the Minority Ought to Pass as Amended Report.

THE PRESIDENT: The Senator from Aroostook, Senator Carpenter, moves the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

The Chair recognizes the Senator from York, Senator Hichens.

Senator **HICHENS:** Mr. President, I request a Roll Call.

THE PRESIDENT: The Senator from York, Senator Hichens, has requested a Roll Call.

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 in order.

The pending question before the Senate is **ACCEPTANCE** of the Minority **OUGHT TO PASS AS AMENDED** Report.

Senator **STOVER** of Sagadahoc who would have voted Nay requested and received permission to pair his vote with Senator **NAJARIAN** of Cumberland who would have voted Yea.

Senator **TUTTLE** of York who would have voted Nay requested and received permission to pair his vote with Senator **ANDREWS** of Cumberland who would have voted Yea.

Senator **DUTREMBLE** of York who would have voted Nay requested and received permission to pair his vote with Senator **VIOLETTE** of Aroostook who would have voted Yea.

The pending question is the motion by the Senator from Aroostook, Senator **Carpenter**, that the Senate **Accept** the Minority **Ought to Pass as Amended** Report.

A Yes vote will be in favor of **Accepting** the Minority **Ought to Pass** Report.

A No vote will be opposed.

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

ROLL CALL

YEAS:—Senators, Baldacci, Berube, Brown, Bustin, Carpenter, Chalmers, Clark, Danton, Diamond, Dow, Gauvreau, Kany, Matthews, McBreairty, Trafton, Usher, The President — Charles P. Pray

NAYS:—Senators, Black, Emerson, Erwin, Hichens, Maybury, Pearson, Perkins, Sewall, Shute, Twitchell, Webster

ABSENT:—Senator, Gill

17 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 6 Senators Pairing their votes, and 1 Senator being absent, the motion of Senator **CARPENTER** of Aroostook to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report **PREVAILS**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-221) was **READ**.

Senate At Ease

Senate called to Order by the President.

Committee Amendment "A" (S-221) was **ADOPTED**.

Under suspension of the Rules the Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS Amended**.

Sent down forthwith for concurrence.

The President laid before the Senate the Tabled and Later Today Assigned matter:

An Act to Clarify and Improve the Laws on Education in the Unorganized Territory (S.P. 381) (L.D. 1048) (C "A" S-182)

Tabled — June 6, 1985, by Senator **PEARSON** of Penobscot.

Pending — **ENACTMENT**

(In House June 5, 1985, **PASSED TO BE ENACTED**.)

(In Senate June 3, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-182)**.)

On motion by Senator **BROWN** of Washington, Tabled until Later in Today's session, pending **PASSAGE TO BE ENACTED**.

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

Bill "An Act to Establish Legislative Council Oversight of Expenditures for Joint Standing Committees, Joint Select Committees and Legislative Investigating Committees" (S.P. 587) (L.D. 1544) (C "A" S-210)

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

Pending — **PASSAGE TO BE ENGROSSED AS AMENDED**

(In Senate June 5, 1985, **READ A SECOND TIME**.)

On motion by Senator **PERKINS** of Hancock, tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED AS AMENDED**.

The President laid before the Senate the Tabled and Later Today Assigned matter:

Bill "An Act Regarding Members of the Public Serving on State Licensing Boards" (H.P. 1125) (L.D. 1631)

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

Pending — **PASSAGE TO BE ENGROSSED IN NON-CONCURRENCE**.

(In Senate June 5, 1985, **READ A SECOND TIME**.)

(In House June 4, 1985, Bill and Accompanying Papers **INDEFINITELY POSTPONED**.)

On motion by Senator **BUSTIN** of Kennebec, Senate Amendment "B" (S-229) **READ**.

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

Senator **BUSTIN:** Mr. President and Members of the Senate. I just want to explain to you what we're doing on this and it's in your Statement of Fact, and because most of you have probably not read that, I will just tell you what we are doing.

What we are doing is taking the Plumbers' Examining Board, it's increased to five members so that the two public members will not constitute a majority on the Board.

The Amendment also increases the membership of the Auctioneer's Advisory Board from

three to five years and the Amendment removes a section of the Bill requiring the Board to report to the Legislature.

The most important aspect of it is that the Amendment also makes it clear that the intent of the Bill is not to remove anyone who is serving on the Board, but, if a Board does not have two public members, to increase the size of the Board to accommodate the public members. I understand from the Commissioner of Business Regulations, Harvey DeVane, that the most that that could possible mean to any board is \$400 and that would include the per diem and any travel expenses, so, it doesn't seem that that will cause any hardship to any of the boards if there had to be an increase.

On motion by Senator **CLARK** of Cumberland, Tabled 1 Legislative Day, pending the motion of Senator **BUSTIN** of Kennebec to **ADOPT** Senate Amendment "B" (S-229).

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

Emergency

An Act to Amend the Wood Measurement Laws (H.P. 960) (L.D. 1381) (C "A" H-272)

Tabled — June 6, 1985, by Senator **USHER** of Cumberland.

Pending — Motion of Senator **CARPENTER** of Aroostook to **RECONSIDER** whereby **FAILED OF ENACTMENT**.

(In Senate June 5, 1985, **FAILED OF ENACTMENT IN NON-CONCURRENCE**.)

(In House June 4, 1985, **PASSED TO BE ENACTED**.)

On motion by Senator **CARPENTER** of Aroostook, Tabled 1 Legislative Day, pending the motion of the same Senator to **RECONSIDER** its action whereby the Bill **FAILED OF ENACTMENT**.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **ANDREWS** for the Joint Select Committee on **ALCOHOLISM SERVICES** on Bill "An Act to Make Additional Allocations from the Alcohol Premium Fund" (S.P. 505) (L.D. 1365)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-226)**

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

Committee Amendment "A" (S-226) **READ** and **ADOPTED**.

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

COMMUNICATIONS

The Following Communication:

FAME

FINANCE AUTHORITY OF MAINE

June 6, 1985

The Honorable Charles P. Pray

Office of the President

State House Station 3

Augusta, Maine 04333

Dear Senator Pray:

It is my pleasure to convey to you herewith the First Annual Report of the Maine Job Start Program. As required by P.L. 1984, Chapter 856, an annual report is to be presented to the first regular session of the 112th Legislature addressing both the experience of the program in its first year and a recommendation for future program funding. Based on current trends, an estimated 20 businesses will be started or expanded in the three Job Start Regions, representing employment for approximately 50 people when all pilot program funds (\$180,000) have been fully committed. It is expected that all funds appropriated in FY '85 will have been disbursed by June 30, 1985.

Sincerely,

S/ STANLEY O. PROVUS

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

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

COMMUNICATIONS

The Following Communication:

COMMITTEE ON FISHERIES

AND WILDLIFE

112th LEGISLATURE

June 6, 1985

The Honorable Charles P. Pray

President of the Senate

112th Legislature

Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Fisheries and Wildlife during the first regular session of the 112th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	56
Unanimous reports	49
Leave to Withdraw	13
Ought to Pass	6
Ought Not to Pass	14
Ought to Pass as Amended	13
Ought to Pass in New Draft	3
Divided reports	5
Carry Over Bills	
(Approved by the Legislative Council)	2

Respectfully submitted,

S/ ZACHARY E. MATTHEWS

Senate Chair

S/ PAUL F. JACQUES

House Chair

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

Senate At Ease

Senate called to Order by the President.

ORDERS OF THE DAY

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

An Act to Clarify and Improve the Laws on Education in the Unorganized Territory (S.P. 381) (L.D. 1048) (C "A" S-182)

Tabled — June 6, 1985, by Senator **BROWN** of Washington.

Pending — **PASSAGE TO BE ENACTED**.

On motion by Senator **BROWN** of Washington, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENACTED**.

Senator **BROWN** of Washington was granted unanimous consent to address the Senate on the Record:

Senator **BROWN:** Thank you, Mr. President and Fellow Senators. As Chairman of the Education Committee, there are times when I receive mail or phone calls from individuals who are deeply concerned about the issue of pornographic rock music and want to know what I as Chair of Education would intend to do about this subject.

Invariably, I have to write and ask them what thoughts they might have, or any suggestions, on what might be done and invariably point out, too, that any time efforts have tried to impose limits on distribution of any kind, like what was tried recently in England, that the sales simply soared any time that that is tried.

However, there was a piece in today's newspaper which I felt very good about and would like to bring that to your attention. There are two schools in Bangor, two parochial schools, that have recently placed a ban on rock music in the school. One is Sister Margaret Coin at the St. Mary's School, has forbidden students from bringing any tapes, records, radios and tape recorders to the facility. Another has been that the principal, David Doyle, at the St. John's School, has also prohibited those kind of things from being brought to the school.

Again, the concern was on the kind of lyrics

that are contained in much of the music today. So, those of us that believe very strongly in local control, I would like to commend the two schools in Bangor for having taken this stand and it is a good example of what local people can do and local school officials can do if, in fact, they have a very strong feeling.

Many parents have some control over their home and what they want their children to participate in and this is an example of two school officials having taken similar action. Thank you, Mr. President.

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

ADJOURNED until 11:00 a.m. tomorrow.