

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Twelfth

Legislature

OF THE

STATE OF MAINE

VOLUME I

SECOND REGULAR SESSION

January 8 - April 2, 1986

STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
SECOND REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Friday
January 10, 1986

Pursuant to Public Law 1985, Chapter 346, enclosed please find the report to the 112th Legislature on the use of funds for training and supportive services for those workers eligible under the Dislocated Workers Fund.

If there are any questions or comments, please do not hesitate to contact me.

Very truly yours,
S/Patricia M. McDonough
Commissioner

Senate called to Order by the President.

Which was READ and with Accompanying Papers ORDERED PLACED ON FILE.

Prayer by the Reverend Robert E. Canfield of the Free Methodist Church.

REVEREND CANFIELD: Shall we pray. Father in heaven, we thank You for Your grace shown to us, again and again. Though we petition You in our many needs, You never tire of our coming. In fact, You invite us to come. So, help us, this another time, so that not one of us will yield to the temptation to be self-sufficient. Especially these few, who represent many.

May that which is the best for all, be the conclusion of the deliberation and acts of this day, in the name of Your Son, we ask, Amen.

Reading of the Journal of Wednesday, January 8, 1986.

COMMUNICATIONS

The Following Communication:

STATE OF MAINE
DEPARTMENT OF LABOR
AUGUSTA, MAINE 04333

January 7, 1986

The Honorable Charles P. Pray
President of the Senate
State of Maine
State House Station #3
Augusta, Maine 04333

Dear President Pray:

SENATE PAPERS

Resolve, to Establish a Commission to Study the Integration of the Maine State Retirement System with the Social Security System

S.P. 691 L.D. 1777

Presented by Senator CLARK of Cumberland
Cosponsored by Representative MCGOWAN of Canaan,
Senator NAJARIAN of Cumberland
Approved for introduction by a Majority of the
Legislative Council pursuant to Joint Rule 26

Bill "An Act to Equalize the Right to Military Leave Credits under the Maine State Retirement System for Vietnam Veterans"

S.P. 692 L.D. 1778

Presented by Senator DOW of Kennebec
Approved for Introduction by a Majority of the
Legislative Council pursuant to Joint Rule 26

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

Sent down for concurrence.

Bill "An Act to Fund and Implement Certain Judicial Department Collective Bargaining Agreements and to Fund and Implement Salary Increases and Benefits for Judicial Department Employees Excluded from Collective Bargaining" (Emergency)

S.P. 693 L.D. 1779

Presented by Senator CARPENTER of Aroostook
Cosponsored by: Representative KANE of South
Portland
Approved for Introduction by a Majority of the
Legislative Council pursuant to Joint Rule 26

Bill "An Act in Support of Increasing Per Capita Funds for Public Libraries"

S.P. 694 L.D. 1780

Presented by Senator DIAMOND of Cumberland
Cosponsored by: Senator PEARSON of Penobscot
Approved for Introduction by a Majority of the
Legislative Council pursuant to Joint Rule 27

Bill "An Act to Authorize the Issuance of a Bond not Exceeding \$8,000,000 for the Financing of the Maine Inland Fisheries and Wildlife Acquisition Fund"

S.P. 695 L.D. 1781

Presented by Senator DIAMOND of Cumberland
Cosponsored by: Speaker MARTIN of Eagle Lake,
Senator PERKINS of Hancock, Representative
MCGOWAN of Canaan
Approved for Introduction by a Majority of the
Legislative Council pursuant to Joint Rule 26

Bill "An Act Concerning the Conservation and Preservation of Unique State Historical and Library Research Material"

S.P. 696 L.D. 1782

Presented by Senator DIAMOND of Cumberland
Cosponsored by: Senator PEARSON of Penobscot,
Senator NAJARIAN of Cumberland
Approved for Introduction by a Majority of the
Legislative Council pursuant to Joint Rule 27

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

Sent down for concurrence.

Bill "An Act to Encourage Safety on Maine Rivers"
S.P. 697

Presented by Senator TRAFTON of Androscoggin
Cosponsored by: Representative ROTONDI of Athens
Approved for Introduction by a Majority of the
Legislative Council pursuant to Joint Rule 26

Committee on BUSINESS AND COMMERCE suggested.

On motion by Senator VIOLETTE of Aroostook,
Tabled Unassigned pending, REFERENCE.

Bill "An Act to Provide State Funding for the Educational Costs of Students Placed by State Agencies"

S.P. 698 L.D. 1783

Presented by Senator BROWN of Washington
Cosponsored by: Representative RYDELL of
Brunswick, Representative A.BROWN of Gorham,
Senator PEARSON of Penobscot
Approved for Introduction by a Majority of the
Legislative Council pursuant to Joint Rule 26

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

Sent down for concurrence.

Bill "An Act to Clarify Set-back Requirements under the Shoreland Zoning Law"

S.P. 699 L.D. 1784

Presented by Senator TRAFTON of Androscoggin
Cosponsored by: Senator KANY of Kennebec,
Representative D. BROWN of Livermore Falls
Approved for Introduction by a Majority of the
Legislative Council pursuant to Joint Rule 26

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

Sent down for concurrence.

Bill "An Act to Provide Immunity from Civil Liability for Court Mediators"

S.P. 700 L.D. 1785

Presented by Senator CARPENTER of Aroostook
Approved for Introduction by a Majority of the
Legislative Council pursuant to Joint Rule 27

Bill "An Act Concerning Mental Examination of Incarcerated Persons Accused of Crime"

S.P. 701 L.D. 1786

Presented by Senator TRAFTON of Androscoggin
Cosponsored by: Representative WARREN of
Scarborough
Approved for Introduction by a Majority of the
Legislative Council pursuant to Joint Rule 26

Bill "An Act Establishing an Immunity from Civil Liability for Certain Shelters for the Homeless" (Emergency)

S.P. 702 L.D. 1787

Presented by Senator KANY of Kennebec
Cosponsored by: Representative JACQUES of Waterville, Representative JOSEPH of Waterville, Representative LACROIX of Oakland
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27

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

Sent down for concurrence.

Bill "An Act to Review the New England Electric Power Agreement"

S.P. 703 L.D. 1788

Presented by Senator KANY of Kennebec
Cosponsored by: Senator ANDREWS of Cumberland, Representative CLARK of Millinocket, Representative VOSE of Eastport
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26

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

Sent down for concurrence.

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

Off Record Remarks

ORDERS OF THE DAY

The Chair laid before the Senate the following:

RECALLED FROM THE GOVERNOR'S DESK

Resolve, Authorizing Colwell Construction Company, Incorporated, to Bring a Civil Action Against the State of Maine

S.P. 550 L.D. 1467
(C "A" S-242)

(In Senate, June 20, 1985, FINALLY PASSED, in concurrence.)

(RECALLED from the Governor's Desk, pursuant to Joint Order S.P. 689.)

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

Senator VIOLETTE: Mr. President. As this Bill is no longer necessary, the issue is moot, and the Legislation is no longer necessary. I will move that the Rules be Suspended.

On motion by Senator VIOLETTE of Aroostook, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED whereby the Resolve was FINALLY PASSED.

On further motion by same Senator, the Resolve and Accompanying Papers INDEFINITELY POSTPONED, in NON-CONCURRENCE.

Sent down for concurrence.

The Chair laid before the Senate the following:

RECALLED FROM THE GOVERNOR'S DESK

Emergency

Resolve, Authorizing Continued Study of Information Processing in Social Service Agencies

S.P. 527 L.D. 1422
(C "A" S-273)

(In Senate, June 14, 1985, FINALLY PASSED, in concurrence.)

(RECALLED from the Governor's Desk, pursuant to Joint Order S.P. 690.)

On motion by Senator VIOLETTE of Aroostook, Tabled Unassigned, pending RECONSIDERATION.

Off Record Remarks

Senate at Ease

Senate called to order by the President.

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

ORDERS

Joint Order

On motion by Senator ANDREWS of Cumberland, the following Joint Order: S.P. 704

ORDERED, the House concurring that Bill, "AN ACT to Require the State to Comply with Municipal Ordinances Governing the Construction of Buildings" SP 185 LD 503 be recalled from the Governor's desk to the Senate.

Which was READ and PASSED.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Grandfather Current Employees Regarding the Purchase of Military Service Time" H.P. 1272 L.D. 1789

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 to Amend the Maine Agricultural Marketing and Bargaining Act of 1973" H.P. 1273 L.D. 1790

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 Fund Training for Boards of Directors of Social Service Agencies" H.P. 1274 L.D. 1791

Bill "An Act to Provide Funds for Repair and Maintenance of the Montpelier Museum at Thomaston" H.P. 1275 L.D. 1792

Bill "An Act to Create a Rape Crisis Center in Augusta" H.P. 1276 L.D. 1793

Bill "An Act to Provide Funds to the Maine State Prison Farm" H.P. 1277 L.D. 1794

Come from the House referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Which were referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Authorize the Establishment of a Standard of Care for Commercial Whitewater Outfitters" H.P. 1278 L.D. 1795

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

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

Bill "An Act Authorizing the Department of Environmental Protection to Contract for Certain Services" H.P. 1279 L.D. 1796

Bill "An Act Concerning State Contributions to Pollution Abatement" H.P. 1280 L.D. 1797

Come 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 One-day Fishing License"

H.P. 1281 L.D. 1798

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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Concerning Required Request for Organ Donation"

H.P. 1282 L.D. 1799

Comes from the House referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.

Which was referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED, in concurrence.

Bill "An Act to Amend the Safety Education and Training Fund"

H.P. 1283 L.D. 1800

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

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

Bill "An Act to Clarify and Make Corrections in the Election Laws"

H.P. 1284 L.D. 1801

Comes from the House referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED.

Which was referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Relating to the Acceptance of Public Easements by Municipalities"

H.P. 1285 L.D. 1802

Comes from the House referred to the Committee on LOCAL AND COUNTY GOVERNMENT and ORDERED PRINTED.

Which was referred to the Committee on LOCAL AND COUNTY GOVERNMENT and ORDERED PRINTED, in concurrence.

Bill "An Act to Prohibit Scallop Dragging from Sunset to Sunrise During the Entire Scallop Season"

H.P. 1286 L.D. 1803

Comes from the House referred to the Committee on MARINE RESOURCES and ORDERED PRINTED.

Which was referred to the Committee on MARINE RESOURCES and ORDERED PRINTED, in concurrence.

Bill "An Act to Authorize Adoption of a 'Buy America' Policy by the State of Maine"

H.P. 1287 L.D. 1804

Comes from the House referred to the Committee on STATE GOVERNMENT and ORDERED PRINTED.

Which was referred to the Committee on STATE GOVERNMENT and ORDERED PRINTED, in concurrence.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Brown.

Senator BROWN: Mr. President. Is the Senate still in possession of L. D. 1783?

THE PRESIDENT: The Chair would advise the good Senator that all Reference matters have been sent forthwith to the other Body for concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Increase the Eligibility Guidelines under the Elderly Householders Tax and Rent Refund Act and the Elderly Low Cost Drug Program"

H.P. 1288 L.D. 1805

Bill "An Act to Exempt Nonprofit Hospice Organizations from the Sales Tax"

H.P. 1289 L.D. 1806

Bill "An Act to Clarify the Applicability of Tax Base Sharing to Plantations"

H.P. 1290 L.D. 1807

Come 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.

Bill "An Act Concerning the Specifications of Auxiliary Lights on Motor Vehicles"

H.P. 1291 L.D. 1808

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

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

Off Record Remarks

Off Record Remarks

On motion by Senator PERKINS of Hancock, RECESSED until the sound of the Bell.

After Recess

The Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 1294

ORDERED, the Senate concurring, that Bill "AN ACT Relating to Retirement Compensation for Judges Who Ceased to Serve Prior to December 1, 1984," H.P. 841 L.D. 1191 be recalled from the Governor's desk to the House.

Comes from the House READ and PASSED.

Which was READ and PASSED, in concurrence.

Off Record Remarks

On motion by Senator CLARK of Cumberland, ADJOURNED until Monday, January 13, 1986, at 12 o'clock in the afternoon.