

# 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**

**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  
Tuesday  
January 21, 1986

Senate called to Order by the President.

Prayer by Father Valmont Gilbert of St. Bridget's Catholic Church in Vassalboro.

FATHER GILBERT: Let us pray. Our Father in Heaven, we come again, to ask for Your guidance. Inspire the Members of this Body in all of their deliberations. Send upon all of those here present, Your spirit of truth and wisdom. Help the Members of the Senate to do all in their power, to represent well those citizens of our great State of Maine, who have elected them to their offices.

Teach them what they ought to do to bring justice and peace of mind to the people of our State. Let not partiality sway their minds from the way of truth. Keep them united, that they may be one in You. In this we ask in Christ' name, Amen.

Reading of the Journal of Yesterday.

Out of order and under suspension of the Rules, on motion by Senator VIOLETTE of Aroostook, the following Senate Order:

ORDERED, that a message be sent to the House of Representatives proposing a Convention of both Branches of the Legislature in the Hall of the House of Representatives at 6:30 p.m. for the purpose of extending an invitation to the Honorable Joseph E. Brennan, Governor of the State of Maine, to attend the Convention and make such communication as pleases him.

Which was READ and PASSED.

The Chair appointed Senator VIOLETTE of Aroostook to deliver the message. The Sergeant-At-Arms escorted the Senator to the House of Representatives.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Amend the Law Separating the Ogunquit Village Corporation from the Town of Wells"  
H.P. 1359 L.D. 1903

Committee on LOCAL AND COUNTY GOVERNMENT suggested and ORDERED PRINTED.

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 Remove Barriers to the Appropriate Disclosure of Mental Health Information"  
H.P. 1363 L.D. 1917

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 Relating to Liquor Excise Taxes and Freight Rates"  
H.P. 1361 L.D. 1905

Committee on TAXATION suggested and ORDERED PRINTED.

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.

Bill "An Act Concerning a Mussel Dragging Season"  
H.P. 1360 L.D. 1904

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.

---

COMMUNICATIONS

The Following Communication:

STATE OF MAINE  
ONE HUNDRED AND TWELFTH LEGISLATURE  
COMMITTEE ON HUMAN RESOURCES

January 20, 1986

Joy J. O'Brien  
Secretary of the Senate  
State House  
Augusta, Maine 04333

Dear Madam Secretary:

Pursuant to our authority under M.R.S.A. 34-B,  
Section 7017, we are pleased to reappoint  
Representative Susan Pines of Limestone as a  
representative to the Sterilization Procedures Review  
Committee.

This appointment is of one year's duration. If  
you have any questions regarding this appointment,  
please do not hesitate to contact us.

Sincerely,

S/Senator N. Paul Gauvreau, Chair

S/Representative Merle Nelson, Chair

Which was READ and ORDERED PLACED ON FILE.

---

The Following Communication:

STATE OF MAINE  
112th LEGISLATURE  
COMMITTEE ON AGRICULTURE

January 9, 1986

TO: The Honorable Charles P. Pray  
President of the Senate  
112th Legislature

The Honorable John L. Martin  
Speaker of the House  
112th Legislature

FROM: Senator Edgar E. Erwin  
Senate Chair, Joint Standing Committee on  
Agriculture

Representative John Michael  
House Chair, Joint Standing Committee on  
Agriculture

SUBJECT: Maine Milk Study Panel

The milk study panel completed it's report and  
presented it to the Select Committee on Milk Pricing  
on October 25, 1985. Legislation was prepared and  
mailed to members of the Joint Standing Committee on  
Agriculture on December 13, 1985. The Joint Standing  
Committee on Agriculture met with the Acting  
Commissioner on December 18, 1985 to discuss the  
first draft of the Legislation and the Study Panel  
Report. Copies of the final report of the Maine Milk  
Study Panel entitled Milk Pricing Alternatives for  
Maine were mailed to the members of the Legislature  
on December 17, 1985. Legislation concerning the  
Milk Commission may be submitted by the Governor's  
Office.

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

---

The Following Communication:

DEPARTMENT OF ENERGY  
CHICAGO OPERATIONS OFFICE  
CRYSTALLINE REPOSITORY PROJECT OFFICE (CPO)  
9800 SOUTH CASS AVENUE  
ARGONNE, ILLINOIS 60439

January 15, 1986

Honorable Charles P. Pray  
President of the Senate of  
the State of Maine  
State House  
Augusta, Maine 04333

Dear Mr. Pray:

SUBJECT: DRAFT AREA RECOMMENDATION REPORT (ARR)

A copy of the draft ARR is being sent to you under separate cover. The draft ARR documents the application of the region-to-area screening methodology to the regional geologic and environmental data contained in the Regional Characterization Reports and identifies candidate areas and proposed potentially acceptable sites for the nation's second high-level nuclear waste repository. The review and comment period on this document is 90 days with comments due back to this office April 16, 1986.

A briefing and hearing will be held in the state capitals of the involved 17 crystalline states, including yours, in the coming months.

Enclosed, for your information, are copies of the draft ARR Overview, press release announcing issuance of the report and the fact sheet prepared for responding to inquiries on the documents.

If you have any questions on the materials or require additional copies, please contact Hunter Weiler on (312) 972-2957.

Sincerely,

S/Sally A. Mann, Ph.D.,  
Manager  
Crystalline Repository  
Project Office

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

The Following Communication:

STATE OF MAINE  
DEPARTMENT OF HUMAN SERVICES  
AUGUSTA, MAINE 04333

January 15, 1986

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

Dear Senator Pray:

I am pleased to submit to the 112th Legislature the "Alcoholism Prevention, Education, Treatment and Research Fund: FY 85 Progress Report (July 1, 1984 - June 30, 1985) and FY 85 Programs to be Continued in FY 86/87." This report is submitted in accordance with the requirements of P.L. 1983, c. 464, "AN ACT to Provide for the Development of a Centralized, Coordinated Planning and Evaluation Process for State Alcohol and Drug Abuse Activities." Copies of this report have been forwarded to the Governor and members of the House and Senate leadership.

I wish to thank you for your continued interest in the alcohol and drug abuse prevention, education and treatment programs which serve the needs of Maine citizens. If you wish further information, please do not hesitate to contact me or Al Anderson (289-2595).

Sincerely,

S/Michael R. Petit, Chairman  
Alcohol and Drug Abuse  
Planning Committee

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

---

SENATE PAPERS

Bill "An Act to Amend Financial Reporting  
Requirements of Insurers" S.P. 754 L.D. 1918

Presented by: Senator BUSTIN of Kennebec  
Cosponsored by: Representative MAYO of  
Thomaston, Representative ERWIN of Rumford,  
Representative ARMSTRONG of Wilton  
Submitted by the Department of Business,  
Occupational and Professional Regulation pursuant  
to Joint Rule 24

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

Sent down for concurrence.

---

Bill "An Act to Allow the Maine Maritime Academy  
to Participate in the New England Regional Student  
Program"

S.P. 755 L.D. 1919

Presented by Senator BROWN of Washington  
Cosponsored by: Representative BROWN of Gorham,  
Representative RICE of Stonington, Senator  
PERKINS of Hancock  
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.

---

At this time Senator VIOLETTE of Aroostook  
reported that he had delivered the message with which  
he was charged.

Bill "An Act to Amend the Maine Certificate of Need Act to Further Simplify its Procedures"  
S.P. 756 L.D. 1920

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

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

Sent down for concurrence.

---

Bill "An Act Relating to Staff Retention in Community-based Residential Facilities for Persons with Mental Retardation"  
S.P. 757 L.D. 1921

Presented by President PRAY of Penobscot  
Cosponsored by: Senator GILL of Cumberland, Speaker MARTIN of Eagle Lake, Representative CARROLL of Gray  
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26

Committee on HUMAN RESOURCES suggested and ORDERED PRINTED.

On motion by Senator PEARSON of Penobscot, Tabled 1 Legislative Day, pending REFERENCE.

---

At this point a message was received from the House of Representatives, borne by Representative DIAMOND of Bangor, informing the Senate that the House of Representatives concurs with proposition for a Joint Convention, to be held in the Hall of the House, at 6:30 p.m., for the purpose of extending an invitation to the Honorable Joseph E. Brennan, Governor of the State of Maine, to attend the Convention and make such communication as pleases him.

---

Bill "An Act to Clarify Public Rights to Use the Intertidal Zone"  
S.P. 758 L.D. 1922

Presented by Senator NAJARIAN of Cumberland  
Cosponsored by: Senator TRAFTON of Androscoggin, Speaker MARTIN of Eagle Lake, Representative WENTWORTH of Wells  
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26

Bill "An Act to Amend the Requirements for Personal Service in an Action for a Guardianship or Conservatorship" (Emergency)  
S.P. 759 L.D. 1923

Presented by Senator CARPENTER of Aroostook  
Cosponsored by: Representative KANE of South Portland, Representative MACBRIDE of Presque Isle, Representative LEBOWITZ of Bangor  
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27

Bill "An Act to Extend the Provisions for Judicial Certification and Commitment Procedures to Institutions Housing Mentally Retarded Persons"  
S.P. 760 L.D. 1924

Presented by President PRAY of Penobscot  
Cosponsored by: Senator BUSTIN of Kennebec, Senator CARPENTER of Aroostook, Representative Diamond of Bangor  
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26

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

Sent down for concurrence.

---

Resolve, Authorizing the Commissioner of Corrections to Convey by Sale the Interest of the State in Certain Land in Windham, County of Cumberland  
S.P. 762 L.D. 1926

Presented by President PRAY of Penobscot  
Cosponsored by: Senator DIAMOND of Cumberland  
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26

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

Sent down for concurrence.

---

Off Record Remarks

---

Bill "An Act Transferring Legislative Jurisdiction over Acadia National Park, St. Croix Island International Historic Site, Portsmouth Naval Shipyard, Veterans Administration Center at Togus and the Soldiers' Lots at the Mount Pleasant Cemetery"  
S.P. 761 L.D. 1925

Presented by Senator CARPENTER of Aroostook  
Cosponsored by: Representative KANE of South Portland

Committee on STATE GOVERNMENT suggested and ORDERED PRINTED.

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

Sent down for concurrence.

---

Bill "An Act to Allow the Freeport Sewer District to Acquire the Freeport Branch of the Maine Water Company" (Emergency)

S.P. 763 L.D. 1927

Presented by Senator CLARK of Cumberland  
Cosponsored by: Representative MITCHELL of Freeport  
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.

---

COMMITTEE REPORTS

House

Leave to Withdraw

The following Leave to Withdraw Reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to Close Ragged Stream to Caribou Lake to the Taking of Smelts"

H.P. 455 L.D. 656

Bill "An Act to Close Moosehead Lake to Ice Fishing Within 300 Feet of Shore"

H.P. 456 L.D. 657

---

Ought to Pass

The Committee on TAXATION on Bill "An Act Relating to the Enforcement of the United States Heavy Vehicle Use Tax" (Emergency)

H.P. 1200 L.D. 1705

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.

---

SECOND READERS

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

Senate

Bill "An Act to Bring Title 29 into Agreement with the Regional Fuel Tax Agreement Laws" (Emergency)

S.P. 665 L.D. 1707

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

Sent down for concurrence.

---

ENACTORS

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

An Act to Provide a Sales Tax, Trade-in Credit for Chain Saws used to Harvest Lumber

H.P. 72 L.D. 93  
(S "B" S-369 to C "A"  
H-434)

Which 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 Reauthorize the Dislocated Workers Fund  
H.P. 1199 L.D. 1704

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with no Senators having voted in negative, and 28 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.

At this point the Senate retired to the Hall of the House, where a Joint Convention was formed.

After Joint Convention

In Senate

Senate called to order by the President.

---

ORDERS OF THE DAY

---

Off Record Remarks

---

The Chair laid before the Senate the Tabled and specially assigned matter:

Bill "An Act to Clarify Statutory Mandates for Reporting Suspected Abuse, Neglect or Exploitation of Incapacitated or Dependent Adults"

S.P. 746 L.D. 1910

Tabled - January 20, 1986, by Senator VIOLETTE of Aroostook.

Pending - REFERENCE

(Committee on HUMAN RESOURCES suggested and ORDERED PRINTED.)

On motion by Senator VIOLETTE of Aroostook, referred to the Committee on JUDICIARY and ORDERED PRINTED.

Sent down for concurrence.

---

On motion by Senator VIOLETTE of Aroostook, the Senate removed from the Unassigned Table the following:

Bill "An Act Relating to Day Treatment Services for Emotionally Disturbed Children"

H.P. 1342 L.D. 1879

Tabled - January 20, 1986, by Senator VIOLETTE of Aroostook.

Pending - REFERENCE

(In House January 16, 1986, referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.)

On further motion by same Senator referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, in concurrence.

---

On motion by Senator CLARK of Cumberland, ADJOURNED until 12 o'clock, Wednesday, January 22, 1986.