

# 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  
Wednesday  
January 22, 1986

Senate called to Order by the President.

Prayer by the Reverend Gerard Wilbur of the Littlefield Memorial Baptist Church in Rockland.

REVEREND WILBUR: My friends, I just want to take a little time to thank you personally this morning, for giving to me, personally, the privilege of opening this Session by conversing with you.

I have but one request and that is that You might bless, guide and lead this lawmaking Body in such a way, that as long as this State is a part of the great United States, that we might always have the privilege of opening each Session with prayer. For that I give You thanks, Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Fund the Holocaust Human Rights Center for Maine"

H.P. 1364 L.D. 1928

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

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

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

S.P. 765

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Monday, January 27, 1986, at 12 o'clock in the afternoon.

Which was READ and PASSED.

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

Bill "An Act to Clarify Certain Provisions of a Publicly-held Financial Institution"  
H.P. 1365 L.D. 1929

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 to Clarify the Education Funding Laws Relating to Reduction of State Aid to School Districts Based on the Receipt of Certain Federal Funds"

H. P. 1366 L.D. 1930

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 Improve Tax Collection Procedures"

H.P. 1367 L.D. 1931

Bill "An Act to Eliminate Exemptions from Jury Service"

H.P. 1368 L.D. 1932

Come from the House referred to the Committee on JUDICIARY and ORDERED PRINTED.

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

Bill "An Act to Extend Certain Reporting Dates Established by Law" (Emergency)  
H.P. 1369 L.D. 1933

Resolve, Relating to the Joint Select Committee on Economic Development (Emergency)  
H.P. 1370 L.D. 1934

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

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

Bill "An Act to Clarify the Provisions Relating to the Proration of Property Taxes"  
H.P. 1371 L.D. 1935

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

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

COMMUNICATIONS

The Following Communication:

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE 04333

January 20, 1986

Hon. Joy J. O'Brien  
Secretary of the Senate  
State House Station #3  
Augusta, Maine 04333

Dear Madam Secretary:

This is to notify you that pursuant to my authority under Chapter 472 of the Public Laws of 1983, An Act Relating to Emergency Planning for the Area Around Nuclear Power Plants, I have today appointed Jennifer Logan, of Boothbay Harbor, to serve on the Radiological Emergency Preparedness Committee.

Sincerely,  
S/John L. Martin  
Speaker of the House

Which was READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act to Allow Local School Authorities to Establish a Date Certain for High School Graduation up to 7 Academic Days Prior to the Conclusion of the School Year"

S.P. 764 L.D. 1936

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

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

Sent down for concurrence.

COMMITTEE REPORTS

House

Leave to Withdraw

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

Bill "An Act to Amend the Safety Education and Training Fund"  
H.P. 1283 L.D. 1800

Change of Reference

The Committee on BUSINESS AND COMMERCE on Bill "An Act to Authorize the Establishment of a Standard of Care for Commercial Whitewater Outfitters"  
H.P. 1278 L.D. 1795

Reported that the same be REFERRED to the Committee on JUDICIARY.

Comes from the House with the Report READ and ACCEPTED and the Bill REFERRED to the Committee on JUDICIARY.

Which Report was READ and ACCEPTED, in concurrence.

The Bill REFERRED to the Committee on JUDICIARY, in concurrence.

Ought to Pass As Amended

The Committee on UTILITIES on Bill "An Act to Clarify the Referendum Provision to Revise and Modernize the Charter of the York Sewer District" (Emergency)

H.P. 1176 L.D. 1671

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-490).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-490).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-490) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senate

Ought to Pass

Senator KERRY for the Committee on BUSINESS AND COMMERCE on Bill "An Act Pertaining to Product Liability Risk Retention Groups"

S.P. 676 L.D. 1749

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

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

House

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

H.P. 1200 L.D. 1705

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

Senate at Ease

Senate called to order by the President.

ORDERS OF THE DAY

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

Bill "An Act Relating to Staff Retention in Community-based Residential Facilities for Persons with Mental Retardation"

S.P. 757 L.D. 1921

Tabled - January 21, 1986, by Senator PEARSON of Penobscot.

Pending - REFERENCE

(Committee on HUMAN RESOURCES suggested and ORDERED PRINTED.)

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

Sent down for concurrence.

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

COMMUNICATIONS

The Following Communication:

COMMITTEE ON ENERGY AND NATURAL RESOURCES  
ONE HUNDRED AND TWELFTH LEGISLATURE

January 22, 1986

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 Energy and Natural Resources has had under consideration the nomination of Howard E. Spencer, Jr. of Ellsworth, as a member of the Citizens' Forestry Advisory Council.

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 7

NAYS: 0

ABSENT: 4 Senator Kany of Kennebec, Rep. Jacques of Waterville, Rep. Ridley of Shapleigh, Rep. Hogleund of Portland.

Nine members of the Committee having voted in the affirmative and Zero in the negative, it was the vote of the Committee that the nomination of Howard E. Spencer, Jr. of Ellsworth, as a member of the Citizens' Forestry Advisory Council be confirmed.

Sincerely,

S/Ronald E. Usher  
Senate Chair

S/Michael H. Michaud  
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on ENERGY AND NATURAL RESOURCES has recommended the nomination of Howard E. Spencer, Jr. of Ellsworth be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on ENERGY AND NATURAL RESOURCES 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, BERUBE, BLACK, BROWN, BUSTIN, CHALMERS, CLARK, DIAMOND, DOW, EMERSON, ERWIN, GAUVREAU, HICHENS, KANY, KERRY, MAYBURY, MCBREAIRTY, NAJARIAN, PEARSON, PERKINS, SHUTE, STOVER, TRAFTON, TUTTLE, TWITCHELL, USHER, VIOLETTE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators, BALDACCI, CARPENTER, DUTREMBLE, GILL, MATTHEWS, SEWALL

No Senators having voted in the affirmative and 29 Senators having voted in the negative, with 6 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 Howard E. Spencer, Jr., was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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Off Record Remarks

Senate at Ease.

Senate called to order by the President.

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Off Record Remarks

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

COMMUNICATIONS

The Following Communication:

STATE OF MAINE  
OFFICE OF THE PRESIDENT  
AUGUSTA, MAINE 04333

January 21, 1986

Hon. Joy J. O'Brien  
Senate Secretary  
State House Station #3  
Augusta, ME 04333

Dear Madame Secretary:

Please be advised that I have received and accepted the resignation of Senator Judy Kany from the Joint Standing Committee on State Government.

Sincerely,

S/Charles P. Pray  
Senate President

Which was READ and ORDERED PLACED ON FILE.

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

Senator PEARSON: Mr. President, men and women of the Senate. Last night, in the Governor's State of the State Address, one of the things which he mentioned was the nuclear dump sites that have been proposed and questioned in my section of Maine, and I was very pleased at his remarks.

I would also like to say, for the benefit of those of you who don't have this type of a problem, that there couldn't be more cooperation or more help given to me than what Senator Kany has done and given to me in the past few days. She has been very, very comforting. She has been working very, very hard. She puts in long days and almost everything I have asked of her, she has turned out for me within a matter of a few minutes. I appreciate that very much.

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The ADJOURNMENT ORDER having been returned from the House READ and PASSED, in concurrence, on motion by Senator CLARK of Cumberland, ADJOURNED until 12 o'clock Monday, January 27, 1986.