

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
Monday
January 27, 1986

Senate Called to Order by the President.

Prayer by the Vicar Wayne Schwanke of the Lutheran Church of the Resurrection in Waterville.

VICAR SCHWANKE: Almighty and everlasting God, King of Kings and Lord of Lords, Ruler of all. We thank You for having given us this good land as our heritage. Grant that we may remember Your generosity and constantly strive to do Your will. Graciously regard those who have been entrusted with the authority of Government among us, that they may be guided by the spirit of Your wisdom to be high in purpose, wise in counsel, firm in good resolution and unwaivering duty. May they uphold the sanctity of life and defend our freedoms so that justice and peace may abound in our land.

Bless these men and women who have been chosen as Senators in the State of Maine so that their decisions may be to Your glory and truthfully reflect the concerns and desires of those whom they represent. We pray in the name of Jesus Christ our Lord and Saviour, who lives and reigns with You in the Holy Spirit in one God, now and forever. Amen.

Reading of the Journal of Wednesday, January 22, 1986.

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

S.P. 769

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Thursday, January 30, 1986, at 12 o'clock in the afternoon.

Which was READ and PASSED.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Require Public Utilities Commission Approval of Agreements for Joint Planning and Operation of Electric Public Utility Systems" H.P. 1373 L.D. 1937

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

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

COMMUNICATIONS

The Following Communication: H.P. 1372

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE
04333

January 21, 1986

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

Honorable John L. Martin
Speaker of the House
State House
Augusta, Maine 04333

Dear President Pray & Speaker Martin:

Pursuant to 1 M.R.S.A. §8, sub-§2, I am transmitting to the Legislature legislation which will establish concurrent jurisdiction between the State of Maine and the United States over all lands now owned by the United States and located in Acadia National Park, St. Croix Island International Historic Site, Portsmouth Naval Shipyard at Kittery, the Veteran's Administration Center at Togus in Augusta and Chelsea and the Soldiers' Lots at the Mount Pleasant Cemetery in Augusta, as well as any future acquisitions of land by the United States to Acadia National Park or St. Croix Island International Historic Site. Also included are the notices of intent to acquire or relinquish jurisdiction filed on behalf of the United States and the comments and recommendations of the Attorney General regarding the transfer as required by law.

Sincerely,

S/JOSEPH E. BRENNAN
Governor

Comes from the House READ with Accompanying Papers and referred to the Committee on JUDICIARY.

Which was READ with Accompanying Papers and referred to the Committee on JUDICIARY, in concurrence.

The Following Communication: H.P. 1374

STATE OF MAINE
DEPARTMENT OF STATE
AUGUSTA, MAINE 04333

21 January 1986

The Honorable John L. Martin
Speaker of the House of Representatives
of the One Hundred and Twelfth Legislature

Dear Mr. Speaker:

In accordance with the provisions of Title 30, Section 253, of the Revised Statutes, as amended, I have the honor to transmit herewith the budget estimates of expenses of the counties within the State for the year 1986.

Respectfully,

S/Rodney S. Quinn
Secretary of State

Comes from the House READ and with Accompanying Papers referred to the Committee on LOCAL AND COUNTY GOVERNMENT.

Which was READ and with Accompanying Papers referred to the Committee on LOCAL AND COUNTY GOVERNMENT, in concurrence.

The following Communication

SENATE OF MAINE

January 24, 1986

Joy J. O'Brien
Secretary of the Senate
State House 3
Augusta, Me. 04333

Dear Madam Secretary:

Pursuant to my authority under Title 1, MRSA Chapter 25, subsection 1002, I am today appointing the Honorable Richard H. Pierce of Waterville to the Commission on Governmental Ethics and Election Practices.

This requires a two-thirds vote of the Senate for concurrence.

Sincerely,

S/Thomas R. Perkins

Which was READ and ORDERED PLACED ON FILE.

Pursuant to Title 1, MRSA Chapter 25, subsection 1002, a two-thirds vote of the Senators present and voting is necessary.

24 Senators having voted in the affirmative and no Senators in the negative, with 9 Senators being absent, and no Senators being excused, and 24 being two-thirds of the Membership present, it is the vote of the Senate that the appointment be ACCEPTED. The nomination of Richard H. Pierce was CONFIRMED.

The Secretary has so informed the Secretary of State.

SENATE PAPERS

Resolve, Authorizing a Study Relating to Bioptics and Drivers' Licenses

S.P. 766 L.D. 1943

Presented by Senator BUSTIN of Kennebec
Cosponsored by: Senator CLARK of Cumberland
Approved for Introduction by a Majority of the
Legislative Council pursuant to Joint Rule 27

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

Sent down for concurrence

Bill "An Act to Require Closer Review of the
Construction of Major Electrical Generating Projects"
S.P. 767 L.D. 1944

Presented by Senator BALDACCI of Penobscot
Cosponsored by: Senator ANDREWS of Cumberland,
Representative CLARK of Millinocket,
Representative VOSE of Eastport
Submitted by the Office of Public Advocate
pursuant to Joint Rule 24

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

Sent down for concurrence

Off Record Remarks

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

ORDERS

Joint Resolution

On motion by Senator CLARK of Cumberland the
following Joint Resolution:

S.P. 768

JOINT RESOLUTION IN HONOR AND RECOGNITION OF
NORTHERN NEW ENGLAND SCHOOL OF SOCIAL WORK AND ITS
DIRECTOR, NORMAN N. GOROFF

WHEREAS, in 1978 the University of Connecticut
established the Northern New England Branch of the
School of Social Work at Concord, New Hampshire; and

WHEREAS, this graduate program in social work
expanded through credit extension courses and
training activities to locations in Maine and
throughout New England; and

WHEREAS, the branch offered the only publicly
sponsored graduate school for social work education
in the New England area; and

WHEREAS, having successfully operated beyond the
3 to 5 years originally contemplated, the school is
being phased out with no new students being admitted
after August 31, 1985; and

WHEREAS, in order for this program to continue,
other New England universities will have to assume an
equivalent share of the curricular and financial
responsibilities; and

WHEREAS, the Northern New England Social Work
Education Program localized much needed graduate
social work training and significantly improved
delivery of social and health services to the region;
now, therefore, be it;

RESOLVED: That We, the Members of the 112th
Legislature of the State of Maine, now assembled in
Second Regular Session, take this opportunity to
acknowledge the fine contributions of the Northern
New England Branch of the University of Connecticut
School of Social Work, and publicly thank Norman N.
Goroff, its Director for his outstanding work and
years of dedicated service in providing graduate
education in the field of social work to the northern
New England states; and be it further

RESOLVED: That a suitable copy of this Joint
Resolution be immediately transmitted to Director
Norman N. Goroff in token of the sentiments expressed
herein.

Which was READ and ADOPTED.

Sent down for concurrence.

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator KANY for the Committee on STATE GOVERNMENT on Bill "An Act Regarding the Appointment of Harbor Masters"

S.P. 660 L.D. 1698

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-371).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A"(S-371) 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 Clarify the Referendum Provision to Revise and Modernize the Charter of the York Sewer District" (Emergency)

H.P. 1176 L.D. 1671 (C "A" H-490)

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

Senate

Bill "An Act Pertaining to Product Liability Risk Retention Groups"

S.P. 676 L.D. 1749

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

Sent down for concurrence.

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

ENACTORS

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

Emergency

An Act Authorizing Payment of Child Care Expenses for Foster Children

H.P. 1184 L.D. 1681

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with no Senators having voted in negative, and 25 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.

Off Record Remarks

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

Off Record Remarks

Senate At Ease

Senate called to order by the President

Off Record Remarks

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 Use of Energy Service Companies and 3rd-party Financing for Conservation Improvements at School Administrative Units"

H.P. 1375 L.D. 1938

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 Equalize the State Tipping Minimum Wage and the Federal Tipping Minimum Wage"

H.P. 1376 L.D. 1939

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.

Resolve, to Permit Edgar Warren to Sue the State for Compensation for Injuries Incurred While He was a Ward of the State

H.P. 1377 L.D. 1940

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 to Improve the Effectiveness of the Consumer Assistance Division of the Public Utilities Commission and to make Other Changes in the Statutes"

H.P. 1378 L.D. 1941

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

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

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

COMMITTEE REPORTS

House

Change of Reference

The Committee on TRANSPORTATION on Bill "An Act Regarding Certification Records of Minority Business Enterprises, Women's Business Enterprises and Disadvantaged Business Enterprises to be Confidential"

H.P. 1260 L.D. 1770

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.

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

On motion by Senator VIOLETTE of Aroostook the following Senate Order:

ORDERED, that Senate Rule 37 be amended to read:

37. At the commencement of the session, the President shall appoint a Committee on Bills in the Second Reading to consist of four members / and a ~~committee on engrossed bills~~ Committee on Engrossed Bills to consist of twelve members. The ~~Director of Legislative Research~~ Revisor of Statutes shall serve as clerk of the Committee on Bills in the Second Reading.

Any one of the first and any two of the second shall constitute a quorum.

Which was READ and PASSED.

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

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

COMMUNICATIONS

The Following Communication: S.P. 771

STATE OF MAINE
112th LEGISLATURE
AUGUSTA, MAINE 04333

January 27, 1986

Senator Larry M. Brown
Representative Ada K. Brown
Chairpersons
Joint Committee on Education
112th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Stewart Smith of Dexter for appointment to the University of Maine, Board of Trustees.

Pursuant to Title 20 M.R.S.A Section 2251, this nomination will require review by the Joint Standing Committee on Education and confirmation by the Senate.

Sincerely,

S/Charles P. Pray
President of the Senate

S/John L. Martin
Speaker of the House

Which was READ and referred to the Committee on EDUCATION.

Sent down for concurrence.

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

COMMUNICATIONS

The Following Communication: S.P. 772

STATE OF MAINE
112th LEGISLATURE
AUGUSTA, MAINE 04333

January 27, 1986

Senator Larry M. Brown
Representative Ada K. Brown
Chairpersons
Joint Committee on Education
112th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Robert Dunfey of Cape Elizabeth for reappointment to the University of Maine, Board of Trustees.

Pursuant to Title 20 M.R.S.A Section 2251, this nomination will require review by the Joint Standing Committee on Education and confirmation by the Senate.

Sincerely,

S/Charles P. Pray
President of the Senate

S/John L. Martin
Speaker of the House

Which was READ and referred to the Committee on EDUCATION.

Sent down 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 Create the Lincolnville, Camden,
Hope, Searsmont and Belmont Water District"
H.P. 1379 L.D. 1942

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

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

Senator TUTTLE of York, was granted unanimous
consent to address the Senate Off the Record.

The ADJOURNMENT ORDER having been returned from
the House READ and PASSED in concurrence, on
motion by Senator MATTHEWS of Kennebec, ADJOURNED
until 12 o'clock, Thursday, January 30, 1986.

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

ENACTORS

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

Emergency

An Act Relating to the Enforcement of the United
States Heavy Vehicle Use Tax
H.P. 1200 L.D. 1705

This being an Emergency Measure and having
received the affirmative vote of 30 Members of the
Senate, with no Senators having voted in negative,
and 30 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 Increase the Resources of the Advisory
Commission on Radioactive Waste and Allocate Funds
from the Radioactive Waste Fund
S.P. 684 L.D. 1772
(C "A" S-370)

This being an Emergency Measure and having
received the affirmative vote of 30 Members of the
Senate, with no Senators having voted in negative,
and 30 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.