

# 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  
February 3, 1986

Senate called to Order by the President.

Prayer by Father Michael McDonald of St. Joseph's Catholic Church in Gardiner.

FATHER MCDONALD: Oh God, our heavenly Father, we ask You to look kindly upon the Members of this Assembly, the elective people. Grant them the wisdom to see their task. Grant them the courage to accept and fulfill it. Above all, bless them with the spirit of charity, which teaches all, that the real love and service of God is found in the love and service of each other. We offer this prayer, our Father, in Your holy name. Amen.

Reading of the Journal of Friday, January 31, 1986.

THE PRESIDENT: The Chair, at this time would like to thank Senator VIOLETTE of Aroostook for carrying out the responsibilities as Presiding Officer on Friday. (Applause)

PAPERS FROM THE HOUSE

Recalled from the Governor's Desk

Resolve, Creating a Special Commission to Study Teacher Training in the University of Maine System  
H.P. 644 L.D. 914  
(H "A" H-306 to C "A" H-302)

In Senate, June 20, 1986, FINALLY PASSED, in concurrence.

RECALLED from the Governor's Desk pursuant to Joint Order H.P. 1270, in concurrence

In House, January 31, 1986, under suspension of the Rules, RECONSIDERED FINAL PASSAGE.

Comes from the House FINALLY PASSED.

Under suspension of the Rules, RECONSIDERED FINAL PASSAGE.

Which was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

COMMUNICATIONS

The Following Communication:

112th LEGISLATURE

January 30, 1986

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

Dear Madam Secretary:

Pursuant to our authority under the Resolves of 1985, Chapter 43, we have appointed Ms. Patricia Russell of Millinocket to the Joint Select Committee on Learning Disabled Children.

Ms. Russell replaces Rae Bates, who has resigned from the Committee.

Please let me know if you have any questions about this matter.

Sincerely,

S/Charles P. Pray  
President of the Senate

S/John L. Martin  
Speaker of the House

Which was READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act to Amend the Maine Health Care Finance Commission Laws with Respect to the Certificate of Need Development Account, Recognition of Certain Operating Costs, Repeal of Provisions Governing Reorganizations and Affiliated Interests, Streamlining of Procedure and for Other Purposes"

S.P. 781 L.D. 1965

Presented by Senator TWITCHELL of Oxford Cosponsored by: Representative CROWLEY of Stockton Springs, Representative TAYLOR of Camden, 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 HUMAN RESOURCES and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act Concerning Enforcement of Violations Relating to Handicapped Parking"

S.P. 780 L.D. 1964

Presented by Senator TUTTLE of York Cosponsored by: Representative MURPHY of Berwick, Representative MCHENRY of Madawaska, Representative HALE of Sanford Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26

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

Sent down for concurrence.

COMMITTEE REPORTS

House

Ought to Pass

The Committee on BUSINESS AND COMMERCE on Bill "An Act to Expand Investment Opportunities for State-chartered Credit Unions"

H.P. 1220 L.D. 1728

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.

The Committee on BUSINESS AND COMMERCE on Bill "An Act to Provide for the Use of the So-called 'Interim Bank Approach' to Facilitate the Formation of a Financial Institution Holding Company" (Emergency)

H.P. 1255 L.D. 1765

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.

The Committee on BUSINESS AND COMMERCE on Bill "An Act to Increase the State's Deductible or Self-insured Retention"

H.P. 1264 L.D. 1773

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.

The Committee on HUMAN RESOURCES on Bill "An Act Concerning Emergency Medical Services Personnel"

H.P. 1258 L.D. 1768

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.

Senate

Ought to Pass

Senator ERWIN for the Committee on TRANSPORTATION on Bill "An Act to Amend the Access Roads to Public Ski Areas"

S.P. 652 L.D. 1684

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Senator DOW for the Committee on TRANSPORTATION on Bill "An Act to Amend Certain Motor Vehicle Laws"

S.P. 664 L.D. 1706

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 to Authorize the Superintendent of Insurance to Promulgate Rules Relating to Coordination of Group Health Insurance Benefits"

H.P. 1225 L.D. 1732

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

House As Amended

Bill "An Act to Amend the Maine Community Services Act"

H.P. 1234 L.D. 1743  
(C "A" H-491)

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

ENACTORS

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

An Act Pertaining to Product Liability Risk Retention Groups

S.P. 676 L.D. 1749

Which was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Senate at Ease

Senate called to order by the President.

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 31, 1986

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

Dear Madam Secretary:

Pursuant to my authority under Senate Rule 36, I have appointed Senator Mary Najarian to serve as the Senate Chair of the Joint Standing Committee on Aging, Retirement, and Veterans.

Senator Najarian replaces Senator Thomas Andrews.

Please let me know if you have any questions about this matter.

Sincerely,

S/Charles P. Pray  
President of the Senate

Which was READ and ORDERED PLACED ON FILE.

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 30, 1986

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

Dear Madam Secretary:

Pursuant to my authority under M.R.S.A. 1, Section 1002, I am pleased to appoint Mr. Charles Sanders of Millinocket to the Commission on Governmental Ethics and Elections Practices.

This appointment will require confirmation by two-thirds of the Senate.

Sincerely,

S/Charles P. Pray  
President of the Senate

Which was READ and ORDERED PLACED ON FILE.

Pursuant to M.R.S.A. 1, Section 1002, a two-thirds vote of the Senators present and voting is necessary.

29 Senators having voted in the affirmative and No Senators in the negative, with 6 Senators being absent, and no Senators being excused, and 29 being more than two-thirds of the membership present, it is the vote of the Senate that the appointment be ACCEPTED. The nomination of Charles Sanders is CONFIRMED.

The Secretary has so informed the Secretary of State.

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:

SENATE PAPERS

Bill "An Act to Amend Certain Provisions of the Underground Oil Storage Tank Installers and Underground Oil Storage Facilities"  
S.P. 782

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

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

Sent down for concurrence.

(See action Later Today.)

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

PAPERS FROM THE HOUSE

Joint Resolution

The Following Joint Resolution: H.P. 1393

IN MEMORIAM

WHEREAS, on the morning of January 28, 1986, the space shuttle Challenger, on its remarkable reach for the stars, carrying six N.A.S.A. astronauts and America's first civilian ended abruptly and tragically as America shuddered in disbelief; and

WHEREAS, prior to that gripping moment this brave and daring crew of gifted men and women, representing the very finest of this Nation, were eagerly on their way toward making another historic triumph in our quest to explore the wonders of outer space; and

WHEREAS, school children and educators of Maine and the Nation were especially proud that the first private citizen selected to go into space was Christa McAuliffe, a teacher at Concord High School in our neighboring state of New Hampshire; and

WHEREAS, Christa McAuliffe epitomized the very best characteristics of a classroom teacher; her enthusiasm and intelligence sparked the interest of the Nation in the Teacher in Space Program and brought great honor to the teaching profession; and

WHEREAS, Christa and the crew of the space shuttle Challenger made the ultimate sacrifice while trying to unlock the dark ocean of space and for that their lives shall forever stand as a monument to human achievement, more safely guiding those pioneers to follow in the most challenging adventure of our age; and

WHEREAS, Christa's courage, leadership and risk-taking will serve as an example to all who carry on the work she loved and died for; her dream in reaching for the stars to broaden the horizons of her students and the world, a dream which we will continue to nurture, to build upon and to help grow in her memory; now, therefore, be it

RESOLVED: That, We, the Members of the Senate and the House of Representatives of the One Hundred and Twelfth Legislature, now assembled in Second Regular Session pause in our deliberations to pay this tribute to: Francis R. Scobee; Michael J. Smith; Ronald E. McNair; Ellison S. Onizuka; Judith A. Resnik; Gregory B. Jarvis; and Sharon Christa McAuliffe and at this moment join all the people of the State of Maine in expressing to the families of the deceased our deepest understanding and prayer and to inscribe upon our journals this token of sympathy and condolence to all who share this great loss; and be it further

RESOLVED: That, We, respectfully request that when the Legislature adjourns this date that it do so in honor and lasting tribute to each of the deceased; and be it further

RESOLVED: That the suitable copies of this Joint Resolution be prepared and presented forthwith to these beloved families on behalf of the Legislature and the people of Maine

Comes from the House, READ and ADOPTED.

Which was READ.

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

Senator BROWN: Mr. President. I do not know what can be said that has not already been said about the loss of the astronauts last week. Most of us feel inadequate to express the grief and the emotion that we felt concerning that loss of the five men and two women. They were good people who had become as close to us as family members. As always, we ask ourselves, in a situation like that, why does such a thing have to happen? If we try to search for something that is good to say about the tragedy that has happened, it would be of a unifying effect that it has on all of us across America.

The pride that we felt, and the real heroes had died last week, and the re-establishment of the virtue of bravery, and what bravery means to us. Those seven make us proud to be human beings and make up for those of us who are less desirable, the ones whom we read about daily in the newspapers. They, the astronauts, make us proud to be Americans, and in some small way, we share in their lives and in their deaths. A bit of each of us died last week when those seven died. Their memory will live as long as we exhibit respect for the unknown, and as long as we strive to know more.

Mr. President, as has already been indicated, we will Adjourn today, in the memory of those seven who have lost their lives in the service of their Country. Thank you.

Which was ADOPTED, in concurrence.

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

Senator VIOLETTE: Mr. President. Is the Senate still in possession of S.P. 782?

THE PRESIDENT: The Chair would answer in the affirmative.

On motion by Senator VIOLETTE of Aroostook, the Senate RECONSIDERED its action whereby it referred to the Committee on ENERGY AND NATURAL RESOURCES:

Bill "An Act to Amend Certain Provisions of the Underground Oil Storage Tank Installers and Underground Oil Storage Facilities"  
S.P. 782

(In Senate February 3, 1986, referred to Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.)

On further motion by same Senator, Tabled 1  
Legislative Day, pending REFERENCE.

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Off Record Remarks

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Senator CLARK of Cumberland was granted  
unanimous consent to address the Senate Off the  
Record.

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

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Senator STOVER of Sagadahoc was granted  
unanimous consent to address the Senate Off the  
Record.

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On motion by Senator CLARK of Cumberland,  
ADJOURNED in Memory of the crew from the Space  
Shuttle Challenger until 9 o'clock, Tuesday, February  
4, 1986.