

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 10, 1986

In Senate, June 17, 1985, PASSED TO BE ENACTED,
in concurrence.

RECALLED from the Governor's Desk pursuant to
Joint Order H.P. 1268, in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS
AMENDED BY HOUSE AMENDMENT "B" (H-498) in
NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Senate called to Order by the President.

Bill "An Act to Further Competition in the Liquor
Trade"

H.P. 1119 L.D. 1615
(H "D" H-290)

In Senate, June 20, 1985, PASSED TO BE ENACTED,
in concurrence.

RECALLED from the Governor's Desk pursuant to
Joint Order H.P. 1269, in concurrence.

Comes from the House Bill and Accompanying Papers
RECOMMITTED to the Committee on LEGAL AFFAIRS in
NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Prayer by Pastor Carol Marshburn of the Winthrop
Center Friends' Church in Winthrop.

PASTOR MARSHBURN: Let us pray together. Dear
God, we pause, just for a moment at the beginning of
a very busy day, to remember You. That You are our
Creator and that we are Your children. That we are
all one humanity. We pray that You will be with us
throughout this day. That we might speak and act
wisely, that we might have patience in our listening
and understanding. That Your light might guide us.
Give us new inspiration when we ourselves, run out of
ideas. We do give our day to You today. Our public
lives and our personal lives. We pray in Jesus'
name, Amen.

Bill "An Act to Set Standards for Care in
Whitewater Rafting"

S.P. 786 L.D. 1976

In Senate, February 7, 1986, referred to the
Committee on BUSINESS AND COMMERCE and ORDERED
PRINTED.

Comes from the House, referred to the Committee
on JUDICIARY and ORDERED PRINTED in
NON-CONCURRENCE.

On motion by Senator VIOLETTE of Aroostook, the
Senate RECEDED.

On further motion by same Senator referred to the
Committee on LEGAL AFFAIRS and ORDERED PRINTED in
NON-CONCURRENCE.

Sent down for concurrence.

Reading of the Journal of Friday, February 7, 1986.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act Concerning Employment of Certain
Individuals in Contact with Children"

H.P. 963 L.D. 1384
(C "A" H-389; H "A"
H-421)

ORDERS OF THE DAY

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

Bill "An Act to Encourage Safety on Maine Rivers"

S.P. 697

Tabled - January 10, 1986, by Senator VIOLETTE of Aroostook.

Pending - REFERENCE

(Committee on BUSINESS AND COMMERCE suggested.)

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

Senator VIOLETTE: Mr. President. I am going to move Indefinite Postponement of this Bill and all of its' accompanying papers. For the information of the Members, the Bill which I have just referred to the Legal Affairs Committee, they are a duplicate of one another.

On further motion by same Senator, the Bill and Accompanying Papers INDEFINITELY POSTPONED.

Sent down for concurrence.

SENATE PAPERS

Bill "An Act to Establish a Toll-free Statewide Hot Line for Victims of Sexual Assault and Domestic Violence"

S.P. 796 L.D. 2003

Presented by Senator CLARK of Cumberland
Cosponsored by: Senator McBREAIRTY of Aroostook, Representative NELSON of Portland, Representative LISNIK of Presque Isle
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26

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

Sent down for concurrence.

Off Record Remarks

Bill "An Act to Amend the Drug Enforcement Law"
S.P. 797 L.D. 2004

Presented by Senator TWITCHELL of Oxford
Cosponsored by: Representative WALKER of Norway
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26

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

Sent down for concurrence.

Bill "An Act to Amend the Requirement that All Part-time Law Enforcement Officers be Trained by the Maine Criminal Justice Academy"

S.P. 798 L.D. 2005

Presented by Senator WEBSTER of Franklin
Cosponsored by: Representative ROTONDI of Athens, Representative MCGOWAN of Canaan, Representative DEXTER of Kingfield
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27

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

Sent down for concurrence.

Bill "An Act Creating the Cornish Water District" (Emergency)

S.P. 795 L.D. 2002

Presented by Senator BLACK of Cumberland
Cosponsored by: Representative LORD of Waterboro
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27

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

Sent down for concurrence.

Senate at Ease

Senate called to order by the President.

ORDERS

Joint Resolution

On motion by Senator DIAMOND of Cumberland (Cosponsored by: Senator PEARSON of Penobscot, Representative COOPER of Windham) (Approved for Introduction by the Legislative Council pursuant to Joint Rule 35) the following Joint Resolution:
S.P. 799

JOINT RESOLUTION MEMORIALIZING RONALD W. REAGAN, PRESIDENT OF THE UNITED STATES AND JOHN S. HERRINGTON, SECRETARY OF THE UNITED STATES DEPARTMENT OF ENERGY TO OPPOSE LOCATING HIGH LEVEL RADIOACTIVE WASTE DUMP SITES AT THE SEBAGO LAKE BATHOLITH AND BOTTLE LAKE COMPLEX WITHIN THE STATE OF MAINE

WE, Your Memorialists, the House of Representatives and Senate of the State of Maine of the 112th Legislature, now assembled, most respectfully present and petition the Honorable Ronald W. Reagan, President of the United States, and John S. Herrington, Secretary of the United States Department of Energy, as follows:

WHEREAS, the federal government is searching for places to dump the Nation's high level radioactive waste which must be isolated from the population and food chain for at least 10,000 years; and

WHEREAS, two of 12 proposed sites in 7 states under consideration are located in Maine, one covering 385 square miles in parts of Cumberland, Oxford and Androscoggin Counties and the other covering 92 square miles in parts of Hancock, Penobscot and Washington Counties; and

WHEREAS, the citizens of Maine have reason for serious concern over the limited period for response to the Government's recommendations which precludes the necessary time for research and formulation of sound reasons to prevent Maine from becoming a possible nuclear waste dump site; and

WHEREAS, little or no consideration has been given to the transportation factor, the hostile climate and the fact that neither of the proposed sites can be safely accessed by truck or rail without exposing densely populated areas along the way to great risk; and

WHEREAS, location of vast quantities of high level nuclear wastes in Maine would threaten Indian lands, Canadian lands and have a great negative impact on the tourist industry of this State fostering uncertain usage of large tracts of vacation lands which are so vital to the State's economy; and

WHEREAS, beyond the nightmare of possible contamination of Portland's water supply and other waters, serious geological questions have been raised such as faulting and fracturing of crystalline rock which could provide pathways for unacceptable levels of ground water at the depths proposed; now, therefore be it

RESOLVED: That We, your Memorialists, do hereby respectfully urge and petition the President of the United States and the Secretary of Energy to do everything within their power to strenuously oppose the location of a high level radioactive waste dump at either the Sebago Lake Batholith or Bottle Lake Complex within the State of Maine; and be it further

RESOLVED: Considering the magnitude of the issue involved, that the President and the Secretary of Energy give the citizens of Maine adequate opportunity to fully address the many concerns relating to the designation of the Sebago Lake Batholith and Bottle Lake Complex as potential sites for a national high level nuclear waste dump and be it further

RESOLVED: That duly attested copies of the Joint Resolution be immediately transmitted by the Secretary of State to the President of the United States, to the Secretary of the United States Department of Energy and to Members of the Maine Congressional Delegation.

Which was READ.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Diamond.

Senator DIAMOND: Thank you, Mr. President. Mr. President and Members of the Senate. Very briefly, the Joint Resolution should say on it, which it does not, that it has the full backing and the full support, and actually the full cosponsorship of all Representatives and Senators who live in these two areas, including Senator Kany.

This may appear to be somewhat redundant, since we have made sort of a effort a while back to memorialize the President and also John S. Herrington. Since he is coming to our State soon, I thought it would be very appropriate that he would have the chance to read this. The idea, of course, is to tell he and everyone else in DOE, that we do not feel that their selection of these two sites in the State of Maine is appropriate for alot of reasons. The water supply, the population, tourism, granite rock and everything else that goes with it. This obviously is not something that the State of Maine wants.

The other highlighted item here, ladies and gentlemen, is the fact that this is not just the folks in these two areas. What we're talking about is the entire State of Maine, who are objecting to this, which is why we are asking for the entire Senate to support this, and the entire House of Representatives. So, in all brevity, Mr. President, that is the purpose of this Joint Resolution.

Which was ADOPTED.

Sent down for concurrence.

COMMITTEE REPORTS

House

Ought to Pass

The Committee on BUSINESS AND COMMERCE on Bill "An Act to Permit the Electricians' Examining Board to Renew Certain Master, Journeyman and Limited Electricians' Licenses" (Emergency)
H.P. 1252 L.D. 1762

Reported that the same Ought to Pass.

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-495).

Which Report was READ and ACCEPTED, in concurrence

The Bill READ ONCE.

House Amendment "A" (H-495) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on LOCAL AND COUNTY GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the year 1986 (Emergency)
H.P. 1404 L.D. 1984

Reported that the same Ought to Pass, pursuant to Joint Order H.P. 1316.

Comes from the House with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence

The Resolve READ ONCE.

The Resolve TOMORROW ASSIGNED FOR SECOND READING.

The Committee on LOCAL AND COUNTY GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Aroostook County for the Year 1986 (Emergency)
H.P. 1405 L.D. 1985

Reported that the same Ought to Pass, pursuant to Joint Order H.P. 1316.

Comes from the House with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence

The Resolve READ ONCE.

The Resolve TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass in New Draft

The Committee on AGRICULTURE on Bill "An Act Revising the Mandatory Vaccination Requirement for Livestock"

H.P. 1218 L.D. 1726

Reported that the same Ought to Pass in New Draft under same title.

H.P. 1410 L.D. 1991

Comes from the House, with the Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT TOMORROW ASSIGNED FOR SECOND READING.

Senate

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 Prohibit Insurers from Denying Medical Malpractice Insurance to Certain Physicians"
S.P. 727 L.D. 1850

Off Record Remarks

House

Change of Reference

Senator GAUVREAU for the Committee on HUMAN RESOURCES on Bill "An Act to Provide Greater Community Input into Alcohol and Drug Planning" S.P. 725 L.D. 1848

Reported that the same be REFERRED to the JOINT SELECT COMMITTEE ON ALCOHOLISM SERVICES.

Which Report was READ.

On motion by Senator VIOLETTE of Aroostook, Tabled 1 Legislative Day, pending ACCEPTANCE OF THE COMMITTEE REPORT.

Senator USHER of Cumberland was granted unanimous consent to address the Senate On the Record.

Senator USHER: Thank you Mr. President. Mr. President and Members of the Senate. I was going through my paper work this weekend and I thought the members of the Senate might be concerned. The Energy and Natural Resources Committee had 21 Bills which were referred to the Committee. We have held hearings for 13 Bills. We have passed out 3 and we have had numerous work sessions. I know it probably out of order, but I would like to commend the Legislative Leadership. For the 12 years that I have been up here, this is the most productive January that I have ever had in Augusta. I hope they continue to improve the Legislative process.

THE PRESIDENT: The Chair would accept those kind words on behalf of all Members of Leadership and I know that it is really the work of the membership that has gotten this Session along as far as it has. Hopefully, we will be done before our normal adjournment date.

SECOND READERS

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

Bill "An Act to Amend the Postgraduate Training Requirement for Licensure of Physicians" H.P. 1209 L.D. 1716

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

Bill "An Act to Allow the Disclosure of Certain Employment Security Adjudicatory Records" H.P. 1390 L.D. 1961

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

House As Amended

Bill "An Act Providing Conformity with the United States Internal Revenue Code under the Maine Income Tax Law" (Emergency) H.P. 1235 L.D. 1744 (C "A" H-494)

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

Senate As Amended

Bill "An Act to Permit the Transfer of Protection from Abuse Hearings from Superior Court to District Court" S.P. 655 L.D. 1693 (C "A" S-373)

Bill "An Act to Allow Justices of the Superior Court to Act on Requests for Preliminary Child Protection Orders" S.P. 658 L.D. 1696 (C "A" S-374)

Bill "An Act to Clarify Set-back Requirements under the Shoreland Zoning Law" S.P. 699 L.D. 1784 (C "A" S-375)

Which were READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

Sent down for concurrence.

House Papers

ENACTORS

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

An Act Regarding the Appointment of Harbor Masters
S.P. 660 L.D. 1698
(C "A" S-371)

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

Under suspension of the Rules, all matters thus acted upon with the exception of those matters being held, were ordered sent down forthwith for concurrence.

Off Record Remarks

Senate at Ease

Senate called to order by the President.

Senator MATTHEWS of Kennebec was granted unanimous consent to address the Senate Off the Record.

Off Record Remarks

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

PAPERS FROM THE HOUSE

Bill "An Act to Establish an Official Endangered Plant List"

H.P. 1413 L.D. 1997

Comes from the House, referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

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

Bill "An Act to Aid in Enforcement of Child Support Payments"

H.P. 1414 L.D. 1998

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

Which was referred to the Committee on JUDICIARY 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 the Allocation of Certain Operating Costs of the Administration of the Maine Children's Trust Fund" (Emergency)

H.P. 1416 L.D. 2000

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.

Bill "An Act to Amend the Charter of the Sewer District of the Town of Kennebunk"

H.P. 1417 L.D. 2001

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

Ought to Pass

The Committee on JUDICIARY on Bill "An Act to Resolve a Conflict in the Law Dealing with the Crime of Gross Sexual Misconduct" (Emergency) H.P. 1324 L.D. 1859

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 JUDICIARY on Bill "An Act to Amend the Protection from Abuse Law" (Emergency) H.P. 1334 L.D. 1871

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.

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on LEGAL AFFAIRS on Bill "An Act to Amend the Laws Relating to Investigative Information of the State Fire Marshal's Office" (Emergency)

H.P. 1259 L.D. 1769

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-497).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-497).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-497) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on STATE GOVERNMENT on Bill "An Act to Establish a Maine-New Hampshire Boundary Commission"

H.P. 1049 L.D. 1525

Reported that the same Ought to Pass as Amended by Committee Amendment "B" (H-499).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-499).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "B" (H-499) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Off Record Remarks

On motion by Senator TWITCHELL of Oxford,
ADJOURNED until 9 o'clock, Wednesday, February 12,
1986.