

# 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

Non-concurrent Matter

STATE OF MAINE  
ONE HUNDRED AND TWELFTH LEGISLATURE  
SECOND REGULAR SESSION  
JOURNAL OF THE SENATE

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

In Senate Chamber  
Wednesday  
February 12, 1986

In Senate, February 10, 1986, referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED.

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

Senate called to Order by the President.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Prayer by the Honorable Nancy Randall Clark of Cumberland.

Bill "An Act to Prohibit Local Measured Service Prior to December 31, 1986" (Emergency)  
H.P. 1387 L.D. 1956

SENATOR CLARK: Let us pray. May the Holy Spirit empower us. May God, in love, embrace us, and may the Lord be with us as we work together this day, to serve the citizens of our State. Amen.

In House, February 3, 1986, Minority OUGHT TO PASS Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Reading of the Journal of Monday, February 10, 1986.

In Senate, February 4, 1986, Majority OUGHT NOT TO PASS Report READ and ACCEPTED in NON-CONCURRENCE.

Comes from the House, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-502) in NON-CONCURRENCE.

PAPERS FROM THE HOUSE

Non-concurrent Matter

On motion by Senator VIOLETTE of Aroostook, Tabled until Later in Today's Session, pending FURTHER CONSIDERATION.

Bill "An Act to Make Supplemental Allocations from the Ground Water Oil Clean-up Fund to Support Activities and Staff of the Board of Underground Oil Storage Tank Installers" (Emergency)  
S.P. 787 L.D. 1980

House Papers

In Senate, February 7, 1986, referred to the Committee on AUDIT AND PROGRAM REVIEW and ORDERED PRINTED.

Resolution, Proposing an Amendment to the Constitution of Maine to Allow the Legislature to Shorten the Terms of Office of Active Retired Judges  
H.P. 1415 L.D. 1999

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

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

The Senate RECEDED and CONCURRED.

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

SENATE PAPERS

Bill "An Act Making Appropriations from the General Fund and Allocations from Other Funds for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency)  
S.P. 800 L.D. 2006

Presented by Senator PEARSON of Penobscot  
Cosponsored by: Representative CARTER of Winslow  
Submitted by the Department of Finance and Administration pursuant to Joint Rule 24

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

Under suspension of the Rules, ordered sent down forthwith 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 Extend the Deadline for the State Compensation Commission Interim Report to March 7, 1986" (Emergency)

H.P. 1420 L.D. 2009

Committee on STATE GOVERNMENT suggested and ORDERED PRINTED.

Comes from the House, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee and ORDERED PRINTED.

Which was, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee and ORDERED PRINTED, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

Study Report

JOINT SELECT COMMITTEE TO STUDY THE SHOE INDUSTRY

Senator TUTTLE for the Joint Select Committee to STUDY THE SHOE INDUSTRY to which was referred by the Legislative Council the Study Relative to the Status of the Shoe Industry in the State of Maine have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Provide Assistance to Mature Industries"

S.P. 802 L.D. 2015

Be referred to the Committee on LABOR for Public Hearing and printed pursuant to Joint Rule 19.

Which Report was READ.

On motion by Senator VIOLETTE of Aroostook, Tabled until Later in Today's Session, pending ACCEPTANCE OF THE COMMITTEE REPORT.

COMMITTEE REPORTS

Senate

Ought Not to Pass

The following Ought Not to Pass Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to License Building Contractors and Subcontractors to a Statewide Building Code"

S.P. 739 L.D. 1892

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

S.P. 746 L.D. 1910

Ought to Pass

Senator KERRY for the Committee on STATE GOVERNMENT on Resolve, Authorizing the Sale of Certain Public Lands in Lewiston

S.P. 747 L.D. 1911

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Resolve READ ONCE.

The Resolve TOMORROW ASSIGNED FOR SECOND READING.

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Aroostook County for the Year 1986 (Emergency)

H.P. 1405 L.D. 1985

Bill "An Act Revising the Mandatory Vaccination Requirement for Livestock"

H.P. 1410 L.D. 1991

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

Senator TWITCHELL for the Committee on TAXATION on Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory"

S.P. 671 L.D. 1739

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Resolve READ ONCE.

The Resolve TOMORROW ASSIGNED FOR SECOND READING.

House As Amended

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

(H "A" H-495)

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

Ought to Pass in New Draft

Senator CARPENTER for the Committee on JUDICIARY on Bill "An Act to Make Certain Technical Changes in the Law Relating to Post-conviction Review"

S.P. 654 L.D. 1692

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

S.P. 801 L.D. 2008

Which Report was READ and ACCEPTED.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT TOMORROW ASSIGNED FOR SECOND READING.

ORDERS OF THE DAY

On motion by Senator VIOLETTE of Aroostook, the Senate removed from the Tabled and Later Today assigned matter:

STUDY REPORT - from the Joint Select Committee to STUDY THE SHOE INDUSTRY on Bill "An Act to Provide Assistance to Mature Industries"

S.P. 802 L.D. 2015

Report - Refer to the Committee on LABOR for Public Hearing, pursuant to Joint Rule 19

Tabled - February 12, 1986, by Senator VIOLETTE of Aroostook.

Pending - ACCEPTANCE OF THE REPORT

(In Senate, February 12, 1986, Report READ.)

Which Report was ACCEPTED.

On further motion by same Senator, referred to the Committee on STATE GOVERNMENT and ORDERED PRINTED.

Sent down for concurrence.

SECOND READERS

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

House

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the year 1986 (Emergency)

H.P. 1404 L.D. 1984

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

SECOND READERS

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

House

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

Bill "An Act to Amend the Protection from Abuse Law" (Emergency)

H.P. 1334 L.D. 1871

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

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

SECOND READERS

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

House As Amended

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  
(C "A" H-497)

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

Bill "An Act to Establish a Maine-New Hampshire Boundary Commission"

H.P. 1049 L.D. 1525  
(C "B" H-499)

On motion by Senator VIOLETTE of Aroostook, Tabled 1 Legislative Day, pending PASSAGE TO BE ENGROSSED, as Amended.

Senate at Ease

Senate called to order by the President.

ORDERS OF THE DAY

On motion by Senator VIOLETTE of Aroostook, the Senate removed from the Tabled and Later Today assigned matter:

Bill "An Act to Prohibit Local Measured Service Prior to December 31, 1986" (Emergency)  
H.P. 1387 L.D. 1956

Tabled - February 12, 1986, by Senator VIOLETTE of Aroostook.

Pending - FURTHER CONSIDERATION

(In House, February 3, 1986, Minority OUGHT TO PASS Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.)

(In Senate, February 4, 1986, Majority OUGHT NOT TO PASS Report READ and ACCEPTED in NON-CONCURRENCE.)

(In House, February 10, 1986, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-502) in NON-CONCURRENCE.)

Senator BALDACCI of Penobscot moved the Senate ADHERE.

Senator ANDREWS of Cumberland moved the Senate RECEDE and CONCUR.

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

Senator USHER: Mr. President, I request a Roll Call.

THE PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call, it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those in favor of ordering a Roll Call, please rise in their places and remain standing until counted.

Obviously, more than one-fifth having risen, a Roll Call is ordered.

The pending question before the Senate is the motion of Senator ANDREWS of Cumberland, to RECEDE and CONCUR.

A Yes vote will be in favor of the motion of Senator Andrews of Cumberland to Recede and Concur.

A No vote will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

Senator CLARK of Cumberland who would have voted Nay requested and received permission to pair her vote with Senator MATTHEWS of Kennebec who would have voted Yea.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators, ANDREWS, BERUBE, CARPENTER, DIAMOND, DOW, DUTREMBLE, GAUVREAU, HICHENS, KANY, NAJARIAN, PEARSON, TUTTLE, VIOLETTE, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators, BALDACCI, BLACK, BROWN, BUSTIN, CHALMERS, EMERSON, ERWIN, GILL, KERRY, MAYBURY, MCBREAIRTY, PERKINS, SEWALL, SHUTE, STOVER, TRAFTON, TWITCHELL, USHER, WEBSTER

ABSENT: Senators, None

14 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 2 Senators having paired their votes, and no Senators being absent, the motion of Senator ANDREWS of Cumberland to RECEDE and CONCUR, FAILED.

Senator DIAMOND of Cumberland moved the Senate RECEDE.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCI: Mr. President. I would pose a parliamentary inquiry to the Chair. Is the motion to Recede properly before this Body, after having voted to Recede and Concur, and that motion having failed?

THE PRESIDENT: The Chair would respond that the motion to Recede carries precedence over the motion to Recede and Concur. In the opinion of the Chair, the motion to Recede is proper.

The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCI: Mr. President. I would request a Roll Call.

THE PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call, it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise in their places and remain standing until counted.

Obviously, more than one-fifth having risen, a Roll Call is ordered.

The Chair recognizes the Senator from Cumberland, Senator Diamond.

Senator DIAMOND: Mr. President and Members of the Senate. By accepting the motion to Recede, you will be reversing our position which we had last Monday, and putting us back in the position to decide which way we want to go. In fact, the Recede motion that is now before us, for those people who might have been concerned about the Amendment which was added on in the House, to take off the Emergency Preamble, that worry can be put to rest. If we Recede and get back into the position where we are now talking about what the House did. The motion to Recede is not a parliamentary trick, it is simply that a Recede motion takes precedence over Recede and Concur. My only reason for doing that was seeing the vote which just came out, which seemed to be somewhat larger and in discrepancy with the last one taken. It appeared to me, and the thought entered my mind, that possibly there was some concern about what the other Body had done by adding their Amendment.

If that is the case, then because this issue is so important to so many people, I wanted to make sure that I, at least, and others had the chance to vote on what we had voted on before. If that was your concern, you now have the chance to make that difference in our vote. So, that is my only reason for moving to Recede.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCI: Mr. President. I would encourage the Senate to vote against the motion to Recede and then deal with the motion to Adhere.

THE PRESIDENT: The pending question before the Senate is the motion of the Senator from Cumberland, Senator DIAMOND that the Senate RECEDE.

A Yes vote will be in favor of the motion of Senator Diamond of Cumberland to Recede.

A No vote will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

Senator CLARK of Cumberland who would have voted Nay requested and received permission to pair her vote with Senator MATTHEWS of Kennebec who would have voted Yea.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators, ANDREWS, BERUBE, CARPENTER, DIAMOND, DOW, GAUVREAU, HICHENS, KANY, NAJARIAN, PEARSON TUTTLE, VIOLETTE, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators, BALDACCI, BLACK, BROWN, BUSTIN, CHALMERS, DUTREMBLE, EMERSON, ERWIN, GILL, KERRY, MAYBURY, MCBREAIRTY, PERKINS, SEWALL, SHUTE, STOVER, TRAFTON, TWITCHELL, USHER, WEBSTER

ABSENT: Senators, None

13 Senators having voted in the affirmative and 20 Senators having voted in the negative, with 2 Senators having paired their votes, and no Senators being absent the motion of Senator DIAMOND of Cumberland to RECEDE, FAILED.

On motion by Senator BALDACCI of Penobscot, the Senate ADHERED.

Senate at Ease

Senate called to order by the President

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

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCI: Mr. President. Would it be proper at this time to vote to Reconsider?

THE PRESIDENT: The Chair would answer that the motion would be improper. The Bill having been ordered sent forthwith.

Senate at Ease

Senate called to order by the President.

Off Record Remarks

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

SENATE REPORT - from 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

Report - REFER to the Joint Select Committee on ALCOHOLISM SERVICES.

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

Pending - ACCEPTANCE OF THE REPORT



(In Senate February 10, 1986, Report READ.)

Senate at Ease

Senate called to order by the President.

Which Report was ACCEPTED.

The Bill referred to the Joint Select Committee on ALCOHOLISM SERVICES.

Sent down for concurrence.

On motion by Senator CLARK of Cumberland, ADJOURNED until 11:30 a.m., Thursday, February 13, 1986.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Gauvreau.

Senator GAUVREAU: Mr. President. I move the Senate Reconsider its' action whereby this Bill was referred to the Committee on Alcoholism Services.

Off Record Remarks

Senator GAUVREAU of Androscoggin requested and received Leave of the Senate to withdraw his motion.

Senate at Ease

Senate called to order by the President.

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

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

Off Record Remarks