

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
Friday
March 21, 1986

Senate called to Order by the President.

Prayer by Reverend H. Everett Wiswell of the United
Methodist Church in Waldoboro.

REVEREND WISWELL: Let us pray. Good day Lord,
here we are again, here as responsible Senators in
our Chambers. We come from the hustle and bustle of
our lives to do a very special task. Father, we are
here because many trust us to honestly and sincerely
seek to fully understand the issues before us. The
tasks are many, Father, we pray that You will walk
with us, yes be with us as we debate the issues, as
we report out our actions, as we vote on the bills.
May we be ever conscious of Your leading, aware of
Your presence and know that our work here must always
be to Your glory. In the name of Jesus Christ our
Lord we pray. Amen.

Reading of the Journal of Yesterday.

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 Provide for the Allocation of the State
Ceiling on Bonds for Nongovernmental Purposes"
(Emergency)

H.P. 1550 L.D. 2189

Reported that the same Ought to Pass as Amended
by Committee Amendment "A" (H-592).

Comes from the House, with the Report READ and
ACCEPTED and the Bill PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-592).

Which Report was READ and ACCEPTED, in
concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-592) READ and
ADOPTED, in concurrence.

Under suspension of the Rules, READ A SECOND
TIME and PASSED TO BE ENGROSSED AS AMENDED BY
COMMITTEE AMENDMENT "A" (H-592), in concurrence.

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

Off Record Remarks

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Strip Crime of its Profit"
S.P. 847 L.D. 2139

In Senate, March 11, 1986, PASSED TO BE
ENGROSSED.

Comes from the House PASSED TO BE ENGROSSED AS
AMENDED BY HOUSE AMENDMENT "B" (H-591) in
NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Authorize a General Fund Bond
Issue in the Amount of \$6,000,000 for Energy
Improvements in State Facilities"
H.P. 1590 L.D. 2243

Bill "An Act Concerning Transitional Services for
Handicapped Persons Beyond School Age"
H.P. 1592 L.D. 2245

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

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Bill "An Act to Establish the Cost of the 1986 Spruce Budworm Suppression Project and to Provide Operating Funds for the Spruce Budworm Management Program" (Emergency)

H.P. 1591 L.D. 2244

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

On motion by Senator VIOLETTE of Aroostook, referred to the Committee on TAXATION and ORDERED PRINTED in NON-CONCURRENCE.

Sent down for concurrence.

Ought to Pass As Amended

The Committee on UTILITIES on Bill "An Act to Amend the Waterville Sewerage District Charter" H.P. 1300 L.D. 1816

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-586).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-586).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-586) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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 Adjust the Borrowing Capacity of Washington County" (Emergency)

H.P. 1306 L.D. 1822

Divided Report

The Majority of the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Clarify the Sand Dunes Law"

H.P. 1221 L.D. 1729

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-587).

Ought To Pass

The Committee on MARINE RESOURCES on Bill "An Act to Create a Noncommercial Scallop License and to Adjust Fees for the Scallop Boat License"

H.P. 1537 L.D. 2173

Reported that the same Ought to Pass.

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

Signed:

Senators: USHER of Cumberland
EMERSON of Penobscot

Representatives: MICHAUD of Medway
JACQUES of Waterville
RIDLEY of Shapleigh
HOGLUND of Portland
DEXTER of Kingfield
BROWN of Livermore Falls
HOLLOWAY of Edgecomb
LAW of Dover-Foxcroft

The Minority of the same Committee on the same subject reported that the same Ought Not to Pass.

Signed:

Senator: KANY of Kennebec

Representatives: MITCHELL of Freeport
COLES of Harpswell

Comes from the House with the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-587).

Which Reports were READ.

On motion by Senator USHER of Cumberland, the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-587) Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-587) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Off Record Remarks

Senate

Ought to Pass in New Draft

Senator CARPENTER for the Committee on JUDICIARY on Bill "An Act to Facilitate the Collection of Child Support"

S.P. 492 L.D. 1329

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

S.P. 887 L.D. 2246

Which Report was READ and ACCEPTED.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

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

House

Bill "An Act Pertaining to Snowmobile Registration"

H.P. 1477 L.D. 2079

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

House As Amended

Resolve, Authorizing the Director of Parks and Recreation to Convey by Deed the Interest of the State of Maine in a Certain Parcel of Real Property in the Town of Jackman

H.P. 1452 L.D. 2049
(C "A" H-588)

Bill "An Act Regarding Family Housing"

H.P. 1500 L.D. 2113
(C "A" H-589)

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

Senate As Amended

Bill "An Act to Assure Independent Advocacy for Institutionalized Developmentally Disabled Persons"

S.P. 819 L.D. 2064
(C "A" S-426)

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

Sent down for concurrence.

ENACTORS

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

An Act to Amend the Revised Maine Securities Act
H.P. 1265 L.D. 1774
(C "A" H-578)

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
(C "A" H-577)

An Act to Repeal the Maine Takeover Bid Disclosure Law
H.P. 1445 L.D. 2039

An Act Relating to the Age of Employees who may Receive Payment or be in the Direct Handling of Liquor on the Licensed Premises
H.P. 1488 L.D. 2100

An Act Concerning the Labeling of Seafood
H.P. 1556 L.D. 2194

An Act to Clarify the Regulation of Employment Agencies
H.P. 1557 L.D. 2195

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

An Act to Encourage Employers to Assist their Employees in Meeting Their Child Care Needs and Expenses
H.P. 1329 L.D. 1864
(C "A" H-579)

On motion by Senator PEARSON of Penobscot, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

An Act Allowing Licensees to Purchase Liquor from Agency Liquor Stores if Licensee is Located more than 20 Miles from State Liquor Stores
H.P. 1554 L.D. 2192

On motion by Senator PEARSON of Penobscot, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

An Act to Phase Out the Sales and Use Tax on Energy Used in Manufacturing
H.P. 1555 L.D. 2193

On motion by Senator PEARSON of Penobscot, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

Resolve

Resolve, Authorizing the Lease of Little Jewell Island
S.P. 877 L.D. 2206

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

Emergency

An Act Relating to the Issuance of Taxable Bonds and the Refunding of Certain Bonds
S.P. 837 L.D. 2126
(C "A" S-423)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in negative, and 29 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 Provide for High School Graduation up to 5 Academic Days Prior to the Conclusion of the School Year
S.P. 868 L.D. 2184

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in negative, and 28 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.

Senate at Ease

Senate called to order by the President.

Emergency

An Act to Authorize the Use of Energy Service Companies and 3rd-party Financing for Conservation Improvements at School Administrative Units
H.P. 1553 L.D. 2191

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in negative, and 27 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 Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Franklin County for the Year 1986
H.P. 1575 L.D. 2214

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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 to Provide for the Allocation of the State Ceiling on Bonds for Nongovernmental Purposes
H.P. 1550 L.D. 2189
(C "A" H-592)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in negative, and 28 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.

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

SENATE PAPERS

Bill "An Act Regarding High-level Radioactive Waste"
S.P. 894

Presented by Senator ANDREWS of Cumberland
Cosponsored by: Senator DIAMOND of Cumberland,
Representative HICHBORN of LaGrange,
Representative CARROLL of Gray
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26

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

Sent down for concurrence.

ORDERS OF THE DAY

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

Bill "An Act to Clarify the Confidentiality Provisions of the Maine Banking Code"
H.P. 1532 L.D. 2159

Tabled - March 20, 1986, by Senator VIOLETTE of Aroostook.

Pending - FURTHER CONSIDERATION

(In Senate, March 12, 1986, PASSED TO BE ENGROSSED, in concurrence.)

(In House, March 20, 1986, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-590) in NON-CONCURRENCE.)

The Senate RECEDED and CONCURRED.

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

Bill "An Act to Bring into Conformity Municipal and State Subdivision Laws"

H.P. 872 L.D. 1229
(C "A" H-572)

• Tabled - March 20, 1986, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED

(In Senate, March 20, 1986, READ A SECOND TIME.)

(In House, March 17, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-572).)

• On motion by Senator VIOLETTE of Aroostook, Tabled 1 Legislative Day, pending PASSAGE TO BE ENGROSSED AS AMENDED.

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

• Bill "An Act Regarding the Generation of Electric Power and High-level Radioactive Waste"
S.P. 890

Tabled - March 20, 1986, by Senator VIOLETTE of Aroostook.

Pending - REFERENCE

(Committee on UTILITIES suggested.)

Which was RULED NOT PROPERLY BEFORE THE BODY, being in violation of Joint Rule 26.

Sent down for concurrence.

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

Bill "An Act Enabling Towns to Establish Municipal Land Banks"

S.P. 893

Tabled - March 20, 1986, by Senator VIOLETTE of Aroostook.

Pending - Motion of Senator CLARK of Cumberland to refer to the Committee on TAXATION

(Committee on ENERGY AND NATURAL RESOURCES suggested.)

(In Senate, March 20, 1986, referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED. Subsequently, RECONSIDERED reference to the Committee on ENERGY AND NATURAL RESOURCES.)

On motion by Senator VIOLETTE of Aroostook, Tabled 1 Legislative Day, pending the motion of Senator CLARK of Cumberland to refer to the Committee on TAXATION.

Senator PERKINS of Hancock was granted unanimous consent to address the Senate Off the Record.

Off Record Remarks

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

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

Off Record Remarks

On motion by Senator CLARK of Cumberland ADJOURNED until Monday, March 24, 1986, at 9 o'clock in the morning.