

# 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

PAPERS FROM THE HOUSE

Non-concurrent Matter

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

In Senate Chamber  
Monday  
March 24, 1986

Bill "An Act to Provide for the Motor Vehicle Division to Purchase and Maintain Software Equipment Independent of any Other Provider and Related Hardware"

H.P. 1331 L.D. 1866  
(C "A" H-576)

In Senate, March 18, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-576), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-576) AS AMENDED BY HOUSE AMENDMENT "A" (H-594), thereto in NON-CONCURRENCE.

Senate called to Order by the President.

The Senate RECEDED and CONCURRED.

Prayer by Reverend Donald Williams of the Fellowship Baptist Church in Augusta.

Off Record Remarks

REVEREND WILLIAMS: Our heavenly Father, we thank You for a day that we have to live for You and to serve You. God, we thank You for the beautiful day that You have given to us that we might be able to honor and glorify Thee. Lord, I pray that You might be with these men and women, I pray that You might give them wisdom, give them understanding. Help them dear Lord, as they serve You throughout this day that, again, they would honor and glorify You with the decisions that are made. God I thank You now for the opportunity and the privilege to live in this great land that You have given to us. That we can come together and pray freely, we can still worship Thee freely, and we still can freely voice our opinions and have a democratic way of doing things. Lord, I just pray, again, that You would lead and guide and be with each of these men and women as they live for You and serve You. In Christ's name we pray. Amen.

Joint Resolution

The Following Joint Resolution: H.P. 1593

JOINT RESOLUTION IN MEMORY OF THE HONORABLE  
EZRA JAMES BRIGGS

WHEREAS, the Legislature has learned with deep regret of the death of Ezra James Briggs of Caribou, a former member of both of its bodies; and

WHEREAS, the State of Maine is currently celebrating National Wildlife Week; and

WHEREAS, "Jim" Briggs devoted his life to the protection of the Maine environment and was recognized both within the State and nationally for his efforts as a founder and later President of the Natural Resources Council of Maine and as a winner of the prestigious Sol Fernstone Environmental Award given by New York University; and

WHEREAS, in 1970, "Jim" Briggs was honored by the Maine Legislature as a person who, in a day when the abundance of our natural resources seemed limitless, when our rivers were accepted as a means of conveying sewage and industrial waste, when exploitation was applauded and commercial greed condoned, had the courage to speak forcefully in defense of our future and fought a lonely fight on behalf of generations to come with the courage to be unpopular and the tenacity to be effective; now, therefore, be it

Reading of the Journal of Friday, March 21, 1986.

Off Record Remarks

RESOLVED: That We, the Members of the Legislature, take this opportunity to honor the memory of "Jim" Briggs and in this week of recognizing the natural beauty of the State of Maine let us do so in lasting tribute to a pioneer in environmental improvement and the defense of natural resources in Maine, whose efforts and accomplishments have improved the quality of life in our State for generations to come.

Comes from the House READ and ADOPTED.

Which was READ and ADOPTED, in concurrence.

COMMUNICATIONS

The Following Communication:

COMMITTEE ON EDUCATION  
ONE HUNDRED AND TWELFTH LEGISLATURE

March 21, 1986

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 112th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Gary W. Moore of Sebago, as a member of the Board of Trustees of the Maine Maritime Academy.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators 2  
Representatives 8  
NAYS: 0  
ABSENT: 3

Sen. Gauvreau of Androscoggin,  
Rep. Soucy of Kittery,  
Rep. O'Gara of Westbrook

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Gary W. Moore of Sebago, as a member of the Board of Trustees of the Maine Maritime Academy be confirmed.

Sincerely,

S/Larry M. Brown  
Senate Chair

S/Ada K. Brown  
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on EDUCATION as recommended that the nomination of Gary W. Moore of Sebago be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on EDUCATION be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 112th Legislature the vote will be taken by the yeas and nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

NAYS: Senators, ANDREWS, BALDACCI, BERUBE, BLACK, BROWN, BUSTIN, CARPENTER, CHALMERS, CLARK, DOW, EMERSON, ERWIN, GAUVREAU, GILL, HICHENS, KANY, KERRY, MATTHEWS, MAYBURY, MCBREAIRTY, NAJARIAN, PEARSON, PERKINS, SEWALL, STOVER, TRAFTON, TWITCHELL, USHER, VIOLETTE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators, DIAMOND, DUTREMBLE, SHUTE, TUTTLE

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 4 Senators being absent and None being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and nomination of Gary W. Moore was CONFIRMED.

The Secretary has so informed the Speaker of the House.

Off Record Remarks

SENATE PAPERS

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,500,000 for Coastal Access, Harbor Improvements and Marine Laboratory Improvements"

S.P. 895 L.D. 2250

Presented by Senator CHALMERS of Knox  
Cosponsored by: Representative VOSE of Eastport,  
Senator CLARK of Cumberland

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

Sent down for concurrence.

COMMITTEE REPORTS

House

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 Encourage Prompt Payment of Benefits Due under the Workers' Compensation Act"  
H.P. 1485 L.D. 2097

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 Require the Consideration of Safety Records in Public Bidding"

H.P. 1402 L.D. 1978

Ought to Pass

The Committee on LOCAL AND COUNTY GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1986 (Emergency)

H.P. 1594 L.D. 2239

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 LATER TODAY ASSIGNED FOR SECOND READING.

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 Repeal the Pheasant Stamp"  
S.P. 824 L.D. 2084

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 Provide Greater Community Input into Alcohol and Drug Planning"  
S.P. 725 L.D. 1848

Bill "An Act to Enable the Availability of Credit through Finance Companies in the State"  
S.P. 811 L.D. 2043

Bill "An Act to Limit the Public Advocate to Active Rate Cases"

S.P. 838 L.D. 2127

House

Bill "An Act to Create a Noncommercial Scallop License and to Adjust Fees for the Scallop Boat License"

H.P. 1537 L.D. 2173

Ought to Pass As Amended

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

Senator USHER for the Committee on ENERGY AND NATURAL RESOURCES on 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 As Amended

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-429).

Bill "An Act to Clarify the Sand Dunes Law"

H.P. 1221 L.D. 1729  
(C "A" H-587)

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Bill "An Act to Amend the Waterville Sewerage District Charter"

H.P. 1300 L.D. 1816  
(C "A" H-586)

Committee Amendment "A" (S-429) READ and ADOPTED.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

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

Senator BALDACCI for the Committee on LOCAL AND COUNTY GOVERNMENT on Bill "An Act to Deorganize Plantation 14" (Emergency)

S.P. 833 L.D. 2115

Senate

Bill "An Act to Facilitate the Collection of Child Support"

S.P. 887 L.D. 2246

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-428).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

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

Sent down for concurrence.

Committee Amendment "A" (S-428) READ and ADOPTED.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT (H-428).

ENACTORS

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

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

An Act Relating to Penobscot Nation Game Wardens  
H.P. 1552 L.D. 2190

SECOND READERS

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

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

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

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

ORDERS OF THE DAY

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 21, 1986, by Senator VIOLETTE of Aroostook.

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 until Later in Today's session, pending PASSAGE TO BE ENGROSSED AS AMENDED.

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 21, 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.)

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

COMMITTEE REPORTS

Senate

Ought to Pass

Senator ERWIN for the Committee on TRANSPORTATION on Bill "An Act to Increase the Amount of Insurance for Vehicles Used in Transporting Students"

S.P. 830 L.D. 2090

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill LATER TODAY ASSIGNED FOR SECOND READING.

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

COMMITTEE REPORTS

Senate

Ought to Pass in New Draft

Senator SEWALL for the Committee on JUDICIARY on Bill "An Act to Enhance the Protection of Mental Health Recipients' Rights" (Emergency)

S.P. 794 L.D. 1995

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

S.P. 896 L.D. 2253

Which Report was READ and ACCEPTED.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT LATER TODAY ASSIGNED FOR SECOND READING.

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

Senate

The Committee on AGRICULTURE to which was referred the Bill "An Act to Clarify the Role of Cooperatives under the Maine Milk Pool"

S.P. 707 L.D. 1832

In the absence of a Committee Report the Original Bill appears before Senate, pursuant to Joint Rule 13.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

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

On motion by Senator PEARSON of Penobscot RECESSED until 4 o'clock.

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Promote Intensive Spruce-fir Management"

H.P. 1468 L.D. 2070

In Senate, March 12, 1986, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-571), in concurrence.

In House, March 17, 1986, PASSED TO BE ENACTED.

In Senate, March 18, 1986, PASSED TO BE ENGROSSED in NON-CONCURRENCE.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "A" (H-571) AND "B" (H-595) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Recodify the Laws of the Maine State Retirement System"

S.P. 886 L.D. 2231

In Senate, March 20, 1986, PASSED TO BE ENGROSSED.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-596) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

(See Action Later Today)

Non-concurrent Matter

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

In House, March 20, 1986, referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

In Senate, March 21, 1986, referred to the Committee on TAXATION and ORDERED PRINTED in NON-CONCURRENCE.

Comes from the House, that Body ADHERED.

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



On motion by Senator VIOLETTE of Aroostook, the Senate RECONSIDERED its action whereby it RECEDED and CONCURRED on:

Bill "An Act to Recodify the Laws of the Maine State Retirement System" S.P. 886 L.D. 2231

(In Senate, March 20, 1986, PASSED TO BE ENGROSSED.)

(In House, March 24, 1986, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-596) in NON-CONCURRENCE.)

On further motion by same Senator, Tabled 1 Legislative day, pending FURTHER CONSIDERATION.

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House Papers

Bill "An Act to Prohibit Mandatory Retrospective Rating in Workers' Compensation Insurance Policies" H.P. 1598 L.D. 2251

Comes from the House referred to the Committee on BUSINESS AND COMMERCE and ORDERED PRINTED.

Which was referred to the Committee on BUSINESS AND COMMERCE and ORDERED PRINTED, in concurrence.

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COMMITTEE REPORTS

House

Leave to Withdraw

The following Leave to Withdraw Reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to Divest State Money from Businesses Investing in South Africa and Namibia" H.P. 368 L.D. 488

Bill "An Act to Define Place of Residence for the Transportation of Students to School" H.P. 1401 L.D. 1977

Bill "An Act to Repeal Certain Rule-making Authority Dealing with Staffing, Student/Teacher Ratios and Minimum School Size at Elementary and Secondary Schools" H.P. 1411 L.D. 1992

Bill "An Act Concerning Professional Employees of the Public Advocate" H.P. 1491 L.D. 2102

Bill "An Act to Modernize Laws Related to Railroads" H.P. 1509 L.D. 2123

Ought to Pass in New Draft under New Title

The Committee on TAXATION on Bill "An Act to Realign the Tax Laws of the State as they Relate to Telecommunications" H.P. 496 L.D. 699

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Modernize the Telephone Excise Tax" H.P. 1595 L.D. 2240

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

The Bill in NEW DRAFT under NEW TITLE TOMORROW ASSIGNED FOR SECOND READING.

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Senate

Ought to Pass As Amended

Senator BLACK for the Committee on AGRICULTURE on Bill "An Act to Improve Enforcement of the Potato Branding Law" S.P. 668 L.D. 1722

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-431).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-431) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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Senator ANDREWS for the Committee on UTILITIES on Bill "An Act Creating the Cornish Water District" (Emergency)

S.P. 795 L.D. 2002

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-430).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-430) 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

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

H.P. 1594 L.D. 2239

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

Senate

Bill "An Act to Increase the Amount of Insurance for Vehicles Used in Transporting Students"

S.P. 830 L.D. 2090

Which was READ A SECOND TIME.

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

Bill "An Act to Enhance the Protection of Mental Health Recipients' Rights" (Emergency)

S.P. 896 L.D. 2253

Which was READ A SECOND TIME.

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

Senate As Amended

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 (C "A" S-429)

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 Place in the Unclassified Service 3 Utility Accountant III Positions at the Public Utilities Commission

H.P. 1437 L.D. 2028

An Act to Increase the Registration Fee Charged to Pesticide Manufacturers and Other Registrants

H.P. 1563 L.D. 2208

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 Adopt a State Uniform Fraudulent Transfer Act

S.P. 244 L.D. 770 (C "A" S-418)

On motion by Senator VIOLETTE of Aroostook, Tabled 1 Legislative Day, pending ENACTMENT.

An Act Regulating Kick-boxing  
H.P. 1573 L.D. 2212

On motion by Senator VIOLETTE of Aroostook,  
Tabled until Later in Today's session, pending  
ENACTMENT.

An Act to Provide Funds to the Maine State Prison  
Farm  
H.P. 1574 L.D. 2213

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

Emergency

An Act to Establish the Lubec Port Authority  
H.P. 1312 L.D. 1828  
(C "A" H-582)

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.

Emergency

An Act to Amend Certain Provisions of the  
Underground Oil Storage Tank Installers and  
Underground Oil Storage Facilities  
S.P. 782 L.D. 1975  
(C "A" S-419)

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, to Establish a Commission to Study the  
Integration of the Maine State Retirement System with  
the Social Security System  
S.P. 872 L.D. 2202  
(S "A" S-420)

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

Emergency Resolve

Resolve, Reimbursing Certain Municipalities on  
Account of Taxes Lost Due to Lands being Classified  
under the Maine Tree Growth Tax Law  
S.P. 881 L.D. 2216

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 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:

SENATE PAPERS

Bill "An Act Concerning Nuclear Waste Activity  
and Requiring Disapproval of a High-level Radioactive  
Waste Site"  
S.P. 898

Presented by Senator KANY of Kennebec  
Cosponsored by: Representative MITCHELL of  
Freeport, Representative COLES of Harpswell,  
Representative HOLLOWAY of Edgecomb  
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 Later Today 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 24, 1986, by Senator VIOLETTE of Aroostook.

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).)

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

Senator MCBREAIRTY: Mr. President and Honorable Members of the Senate. I feel that I should explain what I feel the effects of passage of this Bill could have. Passage of this Bill could create separate lots on opposite sides of the road. This allows larger developments to occur without State review. Example, if two nineteen acre lots are developed on opposite sides of the road into one acre lots the result is a thirty-eight lot sub-division. Which may have significant effects on traffic, ground water, quantity and quality and surface water run off. Many municipalities do not have the resources to access these effects and will not get assistance from the State and the entire development is exempt from the site location law. If the sub-division occurs on both sides of the road, but exceeds twenty acres on only one side, the State cannot access the accumulative effects of the entire development. But only what lies on one side of the road. From an environmental viewpoint, this makes no sense at all. Report A also exempts forty acre lots. This exemption opens the door to more intensive development without State review. Currently a buyer of a lot of over forty acres in size, which is part of the sub-division approved under the site location law, must also receive approval for any further sub-divisions of that lot. Under L.D. 1229, however, the buyer could turn around and further sub-divide the lot in several ways, which would avoid the site location law including the following; create up to four new lots. Two, sub-divide in less than twenty acres and retain the remaining land. Three, create lots that are five acres each in size. Any of these actions in combination with the prior sub-division may substantially effect the environment. In short L.D. 1229 does not make good sense environmentally.

If the intent of L.D. 1229 is to bring the municipal and State sub-division laws into conformity as the title of the Bill suggests, then why not eliminate the twenty acre threshold and reduce the five lot threshold to three lots in the site location law. By doing this the title of L.D. 1229 would be more accurate in reality the objective of L.D. 1229 is not to bring the municipal and State sub-division laws into conformity, but rather to weaken an important environmental law of the State. If this law is passed the accumulative results could have much more adverse effects on the environment State wide, then if we had allowed the "Big A" to be built. Thank you.

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

Senator PEARSON: Mr. President, I would like to pose a question through the Chair, because I do not know the answer. Am I correct in understanding as the law exists right now, twenty acres is the threshold that you can develop and if this Bill was proposed it would go to forty acres. Is that correct? And if that is correct, under the threshold you can do anything you want with sub-dividing currently?

THE PRESIDENT: The Senator from Penobscot, Senator Pearson, has posed a question through the Chair to any Senator who may care to respond.

The Chair recognizes the Senator from Aroostook, Senator Mcbreairty.

Senator MCBREAIRTY: Mr. President, I am not sure if I completely understand your question or have the answer to it. I can get it.

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

Senator PEARSON: Mr. President, Men and Women of the Senate. What I am trying to find out is under current law, what can you develop and under the proposed law what could you develop. The good Senator from Aroostook, Senator McBreairty, has suggested that this would be detrimental to the environment, because it would cause too much development unchecked. I am just trying to find out what kind of development that would cause, or could cause.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Tuttle.

Senator TUTTLE: Mr. President and Members of the Senate. When I originally voted against the Majority Report for the Committee, I did so because I was concerned that the portion of the Bill, which allows a parcel of land to be treated as two separate parcels if divided by a road, would somehow lack municipal review of the sites of disposal of hazardous waste.

After checking, I found the department will still continue to have jurisdiction under the law, under the site development law, which would cover those areas in excess of twenty acres involving drilling, or excavating natural resources where any area is effected if larger than six thousand square feet, or is a hazardous activity. I cannot really contemplate nor can other people who I have talked to a development or a dump smaller than two hundred by three hundred feet that would continue hazardous material. Hopefully, this Bill as written does not do that.

In reference to the Senator Pearson's question, I don't have an answer to your question, maybe the Chairman of the Committee could answer it for us.

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

Senator MCBREAIRTY: I request a Division.

THE PRESIDENT: The pending question before the Senate is PASSAGE TO BE ENGROSSED.

A Division has been requested.

Will all those Senators in favor of Passage to be Engrossed, please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

14 Senators having voted in the affirmative and 15 Senators having voted in the negative, the Bill FAILS of PASSAGE TO BE ENGROSSED, in NON-CONCURRENCE.

Sent down for concurrence.

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

COMMUNICATIONS

The Following Communication:

COMMITTEE ON ENERGY AND NATURAL RESOURCES  
ONE HUNDRED AND TWELFTH LEGISLATURE

March 24, 1986

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 112th Maine Legislature, the Joint Standing Committee on Energy and Natural Resources has had under consideration the nomination of Kenneth C. Young, Jr. of Hallowell, as Commissioner of the Department of Environmental Protection.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators 2  
Representatives 10

NAYS: 0

ABSENT: 1 Sen. Emerson of Penobscot

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Kenneth C. Young, Jr. of Hallowell, as Commissioner of Environmental Protection be confirmed.

Sincerely,

S/Ronald E. Usher  
Senate Chair

S/Michael H. Michaud  
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on ENERGY AND NATURAL RESOURCES has recommended that the nomination of Kenneth C. Young of Hallowell be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on ENERGY AND NATURAL RESOURCES be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 112th Legislature the vote will be taken by the yeas and nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

NAYS: Senators, ANDREWS, BALDACCI, BERUBE, BLACK, BROWN, BUSTIN, CARPENTER, CHALMERS, CLARK, DIAMOND, DOW, EMERSON, ERWIN, HICHENS, KANY, KERRY, MATTHEWS, MAYBURY, MCBREARITY, NAJARIAN, PEARSON, PERKINS, SEWALL, SHUTE, STOVER, TUTTLE, TWITCHELL, USHER, VIOLETTE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators, DUTREMBLE, GAUVREAU, GILL, TRAFTON

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

The Chair laid before the Senate the Tabled and Later Today assigned matter:

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

Tabled - March 24, 1986, by Senator VIOLETTE of Aroostook.

Pending - FURTHER CONSIDERATION

(In House, March 20, 1986, referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.)

(In Senate, March 21, 1986, referred to the Committee on TAXATION and ORDERED PRINTED in NON-CONCURRENCE.)

(In House, March 24, 1986, Body ADHERED.)

On motion by Senator TWITCHELL of Oxford, the Senate RECEDED and CONCURRED.

Senator BROWN of Washington was granted unanimous consent to address the Senate On the Record.

Senator BROWN: Thank you Mr. President. On today's supplement #1, item 5-3 is a leave to withdraw and it is L.D. 1992, I would like to read a statement on the record, on that particular Bill, if I may.

This is L.D. 1992 the original Bill would appeal the authority granted to the Commissioner of the Department of Education and Cultural Services in the State Board of Education to promulgate minimum standards for elementary and secondary schools concerning school staffing. The rule adopted by the Commissioner of the Board in 1985, regulating student teacher ratios and criticized as being too restrictive and costly for school units to comply with. Following considerable discussion between all interested parties a more flexible rule is being proposed. That rule will be subject to public hearing and other rule making requirements.

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 4 Senators being absent and None being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and nomination of Kenneth C. Young was CONFIRMED.

The Secretary has so informed the Speaker of the House.

Off Record Remarks

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Later Today assigned matter:

An Act Regulating Kick-boxing H.P. 1573 L.D. 2212

Tabled - March 24, 1986, by Senator VIOLETTE of Aroostook.

Pending - ENACTMENT

(In House, March 24, 1986, PASSED TO BE ENACTED.)

(In Senate, March 19, 1986, PASSED TO BE ENGROSSED, in concurrence.)

The Committee felt that the Department and the Board have the expertise to establish rules in these areas and that their authority to do so should not be repealed. Following discussions within the Committee, more workable rules have been proposed and possibly will be adopted. Should that fail to occur the Education Committee and the Legislature, as a whole, I am sure will be ready to address this important issue next session. Thank you Mr. President.

The rules have changed several times since they announced these public hearings. There is a great amount of public confusion about them and I think that it is going to cut into the active participation in tomorrow's hearings. I am disappointed, but I would encourage everyone here, and certainly everyone in my area, to actively participate in whatever way that we can and say a firm no to the Department of Energy. Thank you.

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

Senator HICHENS of York was granted unanimous consent to address the Senate On the Record.

A GENERAL BIRTHDAY WISH

Off Record Remarks

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

Senator ANDREWS: Thank you Mr. President. Mr. President, Men and Women of the Senate. Very briefly I would like to simply point out that tomorrow we begin the final process of public hearing by the Department of Energy of their proposed high-level nuclear waste dump sites for Maine. Those hearings kick off tomorrow in the city of Portland. I would like to say on the record, for those of us who live in the Portland area, and for those who anticipate public hearings in their areas. I am extremely disappointed at the way the Department of Energy has conducted themselves to this point. I am disappointed that tomorrow's public hearings will systematically exclude working people from the city of Portland to testify. The hearing schedule is as follows: It begins at 9 a.m. and runs until 10 p.m., but in order to testify you had to have made a written request to the Department of Energy at least ten days before the public hearing and within a matter of one or two days all the slots available for people who work, that is the evening slots, were taken up.

So we have encouraged those people who will not be able to attend tomorrow night's public hearing to watch on the cable television station if they can and participate in the process by writing to the Department of Energy their firm opposition to the Department of Energy's plans. I would like to simply point out that we are very disappointed that the Department of Energy will not be providing working people of my area the opportunity to come and speak to them.

We have those here who were not opportune  
 To have been born twixt New Year's Day and June,  
 When we adjourned and heard the Sine Die  
 To Legislative sessions said good-bye.  
 Thus they lost out on hearing verses read  
 In honor of their birthday--no words said.  
 So just to make them happy, here I stand  
 And hope that as I read--they'll understand  
 That if I were an entire poem to say,  
 I'd have you here in session for a day.  
 So I'll just touch upon each birthday date  
 And let them when the time comes, celebrate;  
 Yet knowing that we all will be aware  
 Of their birthdate--and trust it will dawn fair.  
 On June 29th, one of us here  
 A gal environmentalists hold dear  
 Will reach another milestone on life's way  
 May God grant Judy Kany a good day.  
 The newest Member who has joined us here  
 Celebrates his birthday in July  
 To fill the shoes of one he has replaced  
 We'll all agree he certainly does try.  
 So on July 11th--let's not hurry  
 In passing thoughts for Saco's David Kerry.  
 On July 23rd, another fine lass  
 Will see another birthday come and pass  
 So hopefully you all will join with me  
 In birthday greetings for friend Berube.  
 August was prolific quite--and how!  
 Five celebrating with us now.  
 Senators Gauvreau, Webster and Pray  
 With Najarian and Dow, will have their day  
 While in September--two who will retire  
 As Senators, move on to new desire,  
 Veterans, Usher, Carpenter, by name  
 Will venture to enjoy a birthday game.  
 October finds but one who serves us here,  
 Celebrating passage of a year  
 Senator Jean Chalmers--to be sure  
 One who to her job could not be truer.  
 On November 5th in 1929,  
 The Twitchell's had a baby boy--most fine  
 While on the 28th--just the past year  
 We honored Sewall, Maybury right here.  
 As the year draws to an end, we will recall  
 That as the shades of 1986 shall fall,  
 Two more will celebrate their natal day

As Pearson, Emerson go only life's way.  
So join with me and give this group a hand  
And let them know so they all understand  
How much we wish the best along life's way,  
As they observe in turn--Happy Birthday.

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On motion by Senator CLARK of Cumberland  
ADJOURNED until Tuesday, March 25, 1986, at 9  
o'clock in the morning.