

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Twelfth
Legislature***

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

December 5, 1984 - June 20, 1985

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August 29, 1985

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(In Senate May 30, 1985, **PASSED TO BE ENGROSSED**, in concurrence.)

On motion by Senator **PEARSON** of Penobscot, **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **PEARSON** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE**:

An Act Providing Funding for Repair, Maintenance, Operation and Study of the Dead River Dam (H.P. 1079) (L.D. 1570)

Tabled—May 30, 1985, by Senator **PEARSON** of Penobscot.

Pending—**ENACTMENT**

(In House May 30, 1985, **PASSED TO BE ENACTED**.)

(In Senate May 28, 1985, **PASSED TO BE ENGROSSED**, in concurrence.)

On motion by Senator **PEARSON** of Penobscot, **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **PEARSON** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE**:

An Act to Establish a Directory of Licenses and Permits Required of New and Expanding Businesses (H.P. 1082) (L.D. 1574)

Tabled—May 30, 1985, by Senator **PEARSON** of Penobscot.

Pending—**ENACTMENT**

(In House May 30, 1985, **PASSED TO BE ENACTED**.)

(In Senate May 28, 1985, **PASSED TO BE ENGROSSED**, in concurrence.)

On motion by Senator **PEARSON** of Penobscot, **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **PEARSON** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE**:

An Act to Implement Teacher Recognition Grants and Establish a Minimum Salary for Teachers (H.P. 1087) (L.D. 1580) (C "A" H-427)

Tabled—June 18, 1985, by Senator **DOW** of Kennebec.

Pending—**ENACTMENT**

(In House June 18, 1985, **PASSED TO BE ENACTED**.)

(In Senate June 17, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-427), in concurrence.)

On motion by Senator **DOW** of Kennebec, **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Off Record Remarks

On motion by Senator **PEARSON** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE**:

An Act to Further Competition in the Liquor Trade (H.P. 1119) (L.D. 1615) (H "D" H-290)

Tabled—June 6, 1985, by Senator **PEARSON** of Penobscot.

Pending—**ENACTMENT**

(In House June 5, 1985, **PASSED TO BE ENACTED**.)

(In Senate June 4, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "D"** (H-290), in concurrence.)

On motion by Senator **PEARSON** of Penobscot, **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **PEARSON** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE**:

An Act Concerning Transitional Services for Handicapped Persons Beyond School Age (H.P. 1131) (L.D. 1638) (C "A" H-469)

Tabled—June 19, 1985, by Senator **CLARK** of Cumberland.

Pending—**ENACTMENT**

(In House June 19, 1985, **PASSED TO BE ENACTED**.)

(In Senate June 18, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-469), in concurrence.)

On motion by Senator **PEARSON** of Penobscot, **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **PEARSON** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE**:

An Act to Establish a State Policy Relating to the Disposal of Low-level Radioactive Waste (H.P. 1141) (L.D. 1649)

Tabled—June 14, 1985, by Senator **PEARSON** of Penobscot.

Pending—**ENACTMENT**

(In House June 14, 1985, **PASSED TO BE ENACTED**.)

(In Senate June 12, 1985, **PASSED TO BE ENGROSSED**, in concurrence.)

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Andrews. Senator **ANDREWS:** Mr. President, I move the Indefinite Postponement of this Bill and all Accompanying Papers.

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

Senator **USHER:** Mr. President. I request a Division. Mr. President and Members of the Senate. This is the Referendum issue. It is very appropriate that when the people do go to the polls this November, that they have a competing measure. This is setting public policy. The Low Level Waste Commission endorsed the competing measure. The Energy and Natural Resources Committee endorsed the competing measure, and at this time, when they do vote in November, have another measure so as to give an indication whether to store low level waste in the State of Maine.

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

Senator **ANDREWS:** Thank you Mr. President. Mr. President and Men and Women of the Senate. I don't intend to initiate a long drawn-out debate on this issue. We have heard both sides of the issue last week very clearly.

I am not going to debate the merits of the issue one way or the other. I simply am asking for the Indefinite Postponement of the competing measure, primarily because of the confusion that it may cause people who go to the ballot. There was a large number of Maine people who used their constitutional right through the initiative process to place this very important before the voters. They worked hard. They achieved their goal, and I think we owe it to them to have a clear-cut issue before the voters in the State through their initiative question. So, I ask that you Indefinitely Postpone, join in with me in Indefinitely Postponing this measure. Allow that question to go before the voters and let them have their day in court before the voters in Maine, in November, I ask when the vote is taken, it be by the Yeas and the Nays.

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

Senator **BALDACCI:** Mr. President. I would like to pose a question through the Chair to any Member who may wish to answer it. The question is, very simply, that if a compact were to be negotiated with a state like New York, and the waste were to be taken to that State, if we

as a State had adopted the second measure which says that we would deal with it in our own State, if that compact was dissolved, and we were asked to take that waste back, our own, plus other waste, would we have an opportunity to vote in it in the State?

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

Senator **KANY:** Mr. President and Senators. In answer to the good Senator from Penobscot, Senator Baldacci's question. The answer is that the competing measure, if that is enacted eventually by the voters, would not require a vote of approval by the voters for a compact. If a compact were dissolved, and if there were to be waste in Maine, which were to be at the disposal place—any other place other than at Maine Yankee, it would require voter approval.

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 the Members 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 arisen, a Roll Call is in order.

The pending question before the Senate is the motion of Senator **ANDREWS** of Cumberland to **INDEFINITELY POSTPONE** the Bill and Accompanying Papers.

A vote of Yes will be in favor of Indefinite Postponement.

A vote of No will be opposed

The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

Senator **DUTREMEBLE** of York who would have voted Nay requested and received permission to pair his vote with Senator **NAJARIAN** of Cumberland who would have voted Yea.

Senator **DIAMOND** of Cumberland who would have voted Yea requested and received permission to pair his vote with Senator **BLACK** of Cumberland who would have voted Nay.

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

Senator **GILL** of Cumberland who would have voted Nay requested and received permission to pair her vote with Senator **BERUBE** of Androscoggin who would have voted Yea.

ROLL CALL

YEAS:—Senators, Andrews, Brown, Bustin, Carpenter, Chalmers, Dow, Gauvreau, Matthews, Sewall, Stover, Trafton, Tuttle, Twitcheil, Violette, The President—Charles P. Pray

NAYS:—Senators, Baldacci, Emerson, Hichens, Kany, Maybury, Pearson, Perkins, Shute, Usher

ABSENT:—Senators, Danton, Erwin, McBrearity

15 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 8 Senators having Paired their votes and 3 Senators being absent, the motion by Senator **ANDREWS** of Cumberland to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE, PREVAILED**.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Kany

Senator **KANY:** Mr. President. Is the motion to Adopt the Minority Report and Enact the Initiated Measure now in order?

THE PRESIDENT: The Chair would advise the Senator that the Bill has been Indefinitely Postponed

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

Senator **KANY:** I would like to indicate On the Record that I would have preferred Enact-

ing the Initiated Measure now, and my second choice was going with the competing measure only so that policy could be discussed, instead of just having one on the ballot in November, if we wish to give the voters an opportunity to decide on what policy ultimately would be. Thank you.

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

On motion by Senator PEARSON of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE**:

Resolve, to Address Special Education Needs of Learning Disabled Children (S.P. 211) (L.D. 569) (C "A" S-70)

Tabled—May 9, 1985, by Senator PEARSON of Penobscot.

Pending—**FINAL PASSAGE**

(In House May 8, 1985, **FINALLY PASSED.**)

(In Senate May 6, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-70).**)

On motion by Senator PEARSON of Penobscot, **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator PEARSON of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE**:

Resolve, Concerning Blackfly Control (H.P. 435) (L.D. 617) (C "A" H-73)

Tabled—April 23, 1985, by Senator PEARSON of Penobscot.

Pending—**FINAL PASSAGE**

(In House April 22, 1985, **FINALLY PASSED.**)

(In Senate April 19, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-73),** in concurrence.)

On motion by Senator PEARSON of Penobscot, **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator PEARSON of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE**:

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)

Tabled—June 7, 1985, by Senator PEARSON of Penobscot.

Pending—**FINAL PASSAGE**

(In House June 6, 1985, **FINALLY PASSED.**)

(In Senate June 5, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-302) AS AMENDED BY HOUSE AMENDMENT "A" (H-306),** thereto in concurrence.)

On motion by Senator PEARSON of Penobscot, **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator PEARSON of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE**:

Resolve Establishing the Maine Commission on the Role of State Government in Providing Independent Living Opportunities and Services to Disabled Persons (S.P. 355) (L.D. 963) (H "A" H-232 to C "A" S-110)

Tabled—June 3, 1985, by Senator PEARSON of Penobscot.

Pending—**FINAL PASSAGE**

(In House June 3, 1985, **FINALLY PASSED.**)

(In Senate May 30, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-110) AS AMENDED BY HOUSE AMENDMENT "A" (H-232),** thereto in concurrence.)

On motion by Senator PEARSON of Penobscot, **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator PEARSON of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE**:

Resolve, Authorizing Clayton, Maryann, Jeremy and Elizabeth Huff to Bring Civil Action Against the State and Cumberland County (S.P. 508) (L.D. 1368)

Tabled—May 28, 1985, by Senator PEARSON of Penobscot.

Pending—**FINAL PASSAGE**

(In House May 24, 1985, **FINALLY PASSED.**)

(In Senate May 17, 1985, **PASSED TO BE ENGROSSED.**)

On motion by Senator PEARSON of Penobscot, **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator PEARSON of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE**:

Resolve, Authorizing Colwell Construction Company, Incorporated, to Bring Civil Action Against the State of Maine (S.P. 550) (L.D. 1467) (C "A" S-242)

Tabled—June 13, 1985, by Senator PEARSON of Penobscot.

Pending—**FINAL PASSAGE**

(In House June 13, 1985, **FINALLY PASSED.**)

(In Senate June 12, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-242).**)

On motion by Senator PEARSON of Penobscot, **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Under suspension of the Rules, on motion by Senator PEARSON of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following inclusively:

Emergency

An Act Concerning Safety and Sanitary Conditions on Railroad Property (H.P. 112) (L.D. 137) (C "A" H-320)

Tabled—June 7, 1985, by Senator PEARSON of Penobscot.

Pending—**ENACTMENT**

(In House June 6, 1985, **PASSED TO BE ENACTED.**)

(In Senate June 5, 1985, **PASSED TO BE ENGROSSED AS AMENDED,** in concurrence.)

Emergency

An Act to Create a Maine Sentencing Guidelines Commission (H.P. 359) (L.D. 479) (C "A" H-59)

Tabled—April 12, 1985, by Senator PEARSON of Penobscot.

Pending—**ENACTMENT**

(In House April 11, 1985, **PASSED TO BE ENACTED.**)

(In Senate April 10, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-59),** in concurrence.)

Emergency

An Act to Establish Age 21 Years as the Legal Age to Purchase or Consume Alcoholic Beverages and to Deter Drinking and Driving by Minors (S.P. 332) (L.D. 820) (S "A" S-140; S "C" S-284 to C "A" S-118)

Tabled—June 17, 1985, by Senator PEARSON of Penobscot.

Pending—**ENACTMENT**

(In House June 17, 1985, **PASSED TO BE ENACTED.**)

(In Senate June 13, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMIT-**

TEE AMENDMENT "A" (S-118) AS AMENDED BY SENATE AMENDMENT "C" (S-284) thereto AND SENATE AMENDMENT "A" (S-140).)

Emergency

An Act Relating to Taxation of Aircraft (H.P. 671) (L.D. 954) (C "A" H-419)

Tabled—June 17, 1985, by Senator PEARSON of Penobscot.

Pending—**ENACTMENT**

(In House June 17, 1985, **PASSED TO BE ENACTED.**)

(In Senate June 14, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-419),** in concurrence.)

These being Emergency Measures and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in the negative, and 27 being more than two-thirds of the entire elected Membership of the Senate were **PASSED TO BE ENACTED** and having been signed by the President, were presented by the Secretary to the Governor for his approval.

Under suspension of the Rules, on motion by Senator PEARSON of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following inclusively:

Emergency

An Act to Establish a Vehicle Rental Agency in the Department of Conservation (H.P. 834) (L.D. 1178) (H "A" H-161 to C "A" H-129)

Tabled—May 28, 1985, by Senator PEARSON of Penobscot.

Pending—**ENACTMENT**

(In House May 28, 1985, **PASSED TO BE ENACTED.**)

(In Senate May 24, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-129) AS AMENDED BY HOUSE AMENDMENT "A" (H-161),** thereto in concurrence.)

Emergency

An Act to Establish the Maine Conservation Corps (H.P. 849) (L.D. 1205) (H "A" H-86)

Tabled—May 1, 1985, by Senator PEARSON of Penobscot.

Pending—**ENACTMENT**

(In House April 30, 1985, **PASSED TO BE ENACTED.**)

(In Senate April 26, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-86),** in concurrence.)

Emergency

An Act Establishing a Commission to Study Family Matters in Court (S.P. 504) (L.D. 1364) (C "A" S-291)

Tabled—June 17, 1985, by Senator PEARSON of Penobscot.

Pending—**ENACTMENT**

(In House June 17, 1985, **PASSED TO BE ENACTED.**)

(In Senate June 14, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-291).**)

Emergency

An Act to Reauthorize the Forest Resources Assessment and Marketing Program (H.P. 1026) (L.D. 1478) (C "A" H-217)

Tabled—June 3, 1985, by Senator PEARSON of Penobscot.

Pending—**ENACTMENT**

(In House June 3, 1985, **PASSED TO BE ENACTED.**)

(In Senate May 30, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-217),** in concurrence.)

Emergency

An Act Relating to the Administration of Vocational Education (S.P. 628) (L.D. 1645) (H "B" H-456 to H "B" H-422)

Tabled—June 19, 1985, by Senator CLARK of Cumberland.

Pending—**ENACTMENT**

(In House June 19, 1985, **PASSED TO BE**