

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eleventh  
Legislature***

OF THE

**STATE OF MAINE**

**SECOND REGULAR SESSION**

**January 4, 1984 to April 25, 1984**

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**FOURTH CONFIRMATION SESSION**

**(FIRST CONFIRMATION SESSION – SECOND REGULAR SESSION)**

**May 31, 1984**

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**FIFTH CONFIRMATION SESSION**

**(SECOND CONFIRMATION SESSION – SECOND REGULAR SESSION)**

**July 11, 1984**

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**THIRD SPECIAL SESSION**

**September 4, 1984 to September 11, 1984**

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Senator Wood, presents Senate Amendment "A" and moves its adoption.

Senate Amendment "A" (S-386) was READ and ADOPTED

The Bill was PASSED TO BE ENGROSSED as Amended in NON-CONCURRENCE

Sent down for concurrence.

The President laid before the Senate:

Bill "An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Laws" (Emergency) S. P. 899 L. D. 2417

Tabled—April 9, 1984 by Senator PRAY of Penobscot

Pending—PASSAGE TO BE ENGROSSED

(In Senate April 6, 1984 the Ought to Pass in New Draft report READ and ACCEPTED and Under Suspension of the Rules the New Draft READ TWICE)

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

SENATOR DIAMOND: Thank you, Mr. President. I submit Senate Amendment "A" (S-377) and move its adoption.

THE PRESIDENT: The Senator from Cumberland, Senator Diamond, presents Senate Amendment "A" and moves its adoption.

Senate Amendment "A" (S-377) was READ

THE PRESIDENT: The Senator has the floor.

SENATOR DIAMOND: Mr. President and Ladies and Gentlemen of the Senate, this is one of two amendments that are intended to clarify and make sure there is no misunderstanding, and they're rather minor amendments, but we still want to make sure that we explained them.

The first one that you have before you now is S-377, that's found on the L. D. on page 25, the first correction, and what that simply does is clarifies that the Director of the Bureau of Wardens' Service shall remain unclassified as it is right now. We're not changing the law, we're merely clarifying that.

The next thing this amendment does is found on page 53 of the Bill 2417, and that basically takes out this segment in there that we spoke about, it had exempted property taxation on these submerged land.

The third part simply changes a date to 1985 to 1984. Thank you, Mr. President.

Senate Amendment "A" (S-377) was ADOPTED

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

SENATOR DIAMOND: Thank you, Mr. President and ladies and Gentlemen of the Senate. I submit Senate Amendment "B" (S-382) and move its adoption.

THE PRESIDENT: The Senator from Cumberland, Senator Diamond, now presents Senate Amendment "B" (S-382) and moves its adoption. The Secretary will read the amendment.

Senate Amendment "B" (S-382) was READ

THE PRESIDENT: The Senator has the floor.

SENATOR DIAMOND: Mr. President, and Ladies and Gentlemen of the Senate. As a member of the Committee on Bills in the Second Reading, as a member, not Chairman, I submit this amendment and it simply changes on page 1, it deletes lines twenty-two and twenty-three, they were put there in error. Thank you, Mr. President.

Senate Amendment "B" (S-382) was ADOPTED

The bill was PASSED TO BE ENGROSSED as Amended

Sent down for concurrence

The President laid before the Senate:

Bill "An Act to Establish Standards and a Policy for the Compensation of Members of Boards, Commissions and Similar Organizations" H. P. 1807 L. D. 2389

Tabled—April 9, 1984 by Senator PRAY of Penobscot

Pending—PASSAGE TO BE ENGROSSED

(In House April 3, 1984 PASSED TO BE

ENGROSSED)

(In Senate April 6, 1984 RECONSIDERED ENGROSSMENT)

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

SENATOR DANTON: Mr. President, I move that this Item lay on the Table 1 Legislative Day.

THE PRESIDENT: The Senator from York, Senator Danton, now moves that L. D. 2389 be Tabled 1 Legislative Day.

On motion by Senator VIOLETTE of Aroostook, TABLED until later in today's session, pending PASSAGE TO BE ENGROSSED.

Out of order and under suspension of the rules the Senate voted to consider the following:

#### PAPERS FROM THE HOUSE

##### Non-concurrent Matter

Bill "An Act to Amend the Statute Relating to the Sale and Free Distribution of Cigarettes to Children" H. P. 1694 L. D. 2249

In House April 6, 1984 the Majority Ought To Pass As Amended by Committee Amendment "A" (H-650) report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-650)

In Senate April 9, 1984 the Minority Ought Not to Pass report READ and ACCEPTED in NON CONCURRENCE

Comes from the House that Body ADHERED

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Bustin.

SENATOR BUSTIN: I move we Insist.

THE PRESIDENT: The Senator from Kennebec, Senator Bustin, now moves that the Senate Insist.

The Chair would state that the motion is not properly before the Senate. The only motion before the Senate would be to Recede and Concur or to Adhere.

The Chair recognizes the Senator from Kennebec, Senator Bustin.

SENATOR BUSTIN: I Withdraw my motion to Insist and make a motion to Adhere.

THE PRESIDENT: The Senator from Kennebec, Senator Bustin requests Leave to Withdraw her motion to Insist.

Is it the pleasure of the Senate to grant this Leave?

It is a vote.

The Senator from Kennebec, Senator Bustin, now moves that the Senate Adhere.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

SENATOR CARPENTER: I move the Senate Recede and Concur.

THE PRESIDENT: The Senator from Aroostook, Senator Carpenter, now moves that the Senate Recede and Concur with the House.

Is this the pleasure of the Senate.

The Chair recognizes the Senator from Kennebec, Senator Bustin.

SENATOR BUSTIN: I request a Division.

THE PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Hayes.

SENATOR HAYES: 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 Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

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

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

SENATOR CARPENTER: Mr. President, I don't intend to belabor this issue at all.

You know what the issue is relative to the correctional facilities in the distribution of to-

bacco products to youngsters, but I want to point out something that may have gotten lost this morning, and that is the second part of the Amendment which would maintain a certain consistency, I think in State law that would allow parents to have the same control over their children relative to tobacco products that they presently have toward alcohol.

Under Maine law today, alcoholic beverages may be given by parents to children, we allow the parents to have that much discretion.

A second part of this Amendment simply would allow the parents the same discretion relative to tobacco products.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Bustin.

SENATOR BUSTIN: Mr. President and Ladies of the Senate, while parents can offer their children liquor in their own home, they cannot order it in a restaurant or outside, and secondly, parents can't even give cigarettes to their youngsters under the present law unless they're over eighteen.

THE PRESIDENT: Is the Senate ready for the question?

The question before the Senate is the motion of the Senator from Aroostook, Senator Carpenter that the Senate Recede and Concur with the House.

A roll call has been ordered.

A Yes vote will be in favor of Receding and Concurring with the House.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the roll.

#### ROLL CALL

YEAS—Senators, Baldacci, Brown, Carpenter, Charette, Dutremble, Gill, Najarian, Perkins, Sewall, Usher, Violette, Wood, The President—Gerard P. Conley.

NAYS—Senators, Bustin, Clark, Collins, Diamond, Dow, Emerson, Erwin, Hayes, Hichens, Kany, McBreairey, Pearson, Pray, Redmond, Shute, Teague, Trafton, Twitchell.

ABSENT—Senators, Danton, Minkowsky

13 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 2 Senators being absent, the motion to RECEDE AND CONCUR with the House FAILED

THE PRESIDENT: Is it the pleasure of the Senate to ADHERE?

It is a vote.

#### Non-concurrent Matter

Bill "An Act to Clarify Certain Portions of the Reapportionment Laws" S. P. 862 L. D. 2342

In Senate March 22, 1984 under suspension of the rules the Bill READ TWICE and PASSED TO BE ENGROSSED without reference to a committee

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-670) in NON CONCURRENCE

On motion by Senator TRAFTON OF Androscoggin, the Senate voted to RECEDE and CONCUR with the House.

#### Non-concurrent Matter

Joint Resolution Concerning the State Contracting For Medical Services in Competition with Private Enterprise H. P. 1829

In House April 6, 1984 READ and ADOPTED In Senate April 9, 1984 INDEFINITELY POSTPONED in NON-CONCURRENCE

Comes from the House that Body ADHERED On motion by Senator BUSTIN of Kennebec, the Senate voted to ADHERE

#### House Papers

Bill "An Act to Provide for Conformity with the United States Internal Revenue Code" H. P. 1853 L. D. 2454

Committee on TAXATION suggested

Comes from the House Under Suspension of the Rules the Bill READ TWICE and PASSED TO BE ENGROSSED without reference to a Committee and ORDERED PRINTED