

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Twelfth  
Legislature***

OF THE

STATE OF MAINE

**Volume I**

**FIRST REGULAR SESSION**

**December 5, 1984 - June 20, 1985**

540)

Bill "An Act to Exempt Certain Unused Railroad Crossings from the Requirements to Stop" (H.P. 600) (L.D. 932)

Bill "An Act to Require that the Educational School Year Consist of 175 Consecutive Days" (H.P. 694) (L.D. 989)

Bill "An Act to Amend the Law Relating to School Days, Holidays and Special Observances" (H.P. 481) (L.D. 684)

#### Ought to Pass

The Committee on **LOCAL AND COUNTY GOVERNMENT** on Bill "An Act Relating to the Hancock County Trustees of Public Reservations" (Emergency) (H.P. 802) (L.D. 1136)

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

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

The Bill **TOMORROW ASSIGNED FOR SECOND READING**.

#### Ought to Pass As Amended

The Committee on **EDUCATION** on Bill "An Act Relating to Conferring Degrees by the University of New England in Biddeford" (H.P. 216) (L.D. 250)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-96)**.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-96) **READ** and **ADOPTED**, in concurrence.

The Bill as **Amended TOMORROW ASSIGNED FOR SECOND READING**.

#### Ought to Pass in New Draft

The Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act to Prohibit Open Burning at All Municipal Solid Waste Disposal Sites" (H.P. 323) (L.D. 438)

Reported that the same **Ought to Pass in New Draft** under same title (H.P. 976) (L.D. 1399)

Comes from the House, the Report **READ** and **ACCEPTED** and the Bill in **NEW DRAFT PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-99)**.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill in **NEW DRAFT READ ONCE**.

House Amendment "A" (H-99) **READ** and **ADOPTED**, in concurrence.

The Bill as **Amended in NEW DRAFT TOMORROW ASSIGNED FOR SECOND READING**.

#### Ought to Pass in New Draft under New Title

The Committee on **BUSINESS AND COMMERCE** on Bill "An Act to Require Motorcycle Liability Insurance to Include Passenger Coverage" (H.P. 382) (L.D. 526)

Reported the same **Ought to Pass in New Draft under New Title** Bill "An Act Concerning Passenger Exclusions in Motorcycle Insurance Policies" (H.P. 975) (L.D. 1398)

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**.

#### Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act to Limit Aquaculture Leases to a Period of 5 years" (H.P. 824) (L.D. 1165)

Reported that the same **Ought Not To Pass**.

Signed:

Senators:

SHUTE of Waldo  
CHALMERS of Knox  
BROWN of Washington

Representatives:

CONNERS of Franklin  
CROWLEY of Stockton Springs  
VOSE of Eastport  
RICE of Stonington  
COLES of Harpswell  
SALSBURY of Bar Harbor  
MANNING of Portland  
RUHLIN of Brewer  
MITCHELL of Freeport

The Minority of the same Committee on the same subject reported that the same **Ought To Pass**.

Signed:

Representative:

SCARPINO of St. George

Comes from the House with the Majority **OUCHT NOT TO PASS Report READ** and **ACCEPTED**.

Which Reports were **READ**.

The Majority **OUCHT NOT TO PASS Report ACCEPTED**, in concurrence.

#### Senate

##### 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 Concerning a Maine Viet Nam Veterans' Memorial" (S.P. 456) (L.D. 1259)

Resolve, Concerning a Study of the Impact of Residential Heating by Wood Stoves on Ambient Air Quality (S.P. 401) (L.D. 1111)

##### Ought to Pass

Senator **PEARSON** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Appropriate Funds to the State Library for Support of the Information Exchange" (S.P. 269) (L.D. 727)

Reported that the same **Ought to Pass**.

Which Report was **READ** and **ACCEPTED**.

The Bill **READ ONCE**.

The Bill **TOMORROW ASSIGNED FOR SECOND READING**.

##### Ought to Pass As Amended

Senator **CARPENTER** for the Committee on **AGRICULTURE** on Bill "An Act to Clarify the Laws Requiring Certification of Seed Potatoes" (S.P. 395) (L.D. 1105)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-63)**

Which Report was **READ** and **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-63) **READ** and **ADOPTED**.

The Bill as **Amended TOMORROW ASSIGNED FOR SECOND READING**.

Senator **PEARSON** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act in Support of Increasing Per Capita Funds for Public Libraries" (S.P. 270) (L.D. 728)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-65)**

Which Report was **READ** and **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-65) **READ** and **ADOPTED**.

The Bill as **Amended TOMORROW ASSIGNED FOR SECOND READING**.

##### Ought to Pass in New Draft

Senator **BERUBE** for the Committee on **HUMAN RESOURCES** on Bill "An Act to Encourage Early Identification and Treatment of Impaired Physicians" (S.P. 295) (L.D. 784)

Reported that the same **Ought to Pass in New Draft** under same title. (S.P. 534) (L.D. 1435)

Which Report was **READ** and **ACCEPTED**. The Bill in **NEW DRAFT READ ONCE**.

The Bill in **NEW DRAFT TOMORROW ASSIGNED FOR SECOND READING**.

##### Ought to Pass in New Draft under New Title

Senator **KANY** for the Committee on **STATE GOVERNMENT** on Bill "An Act to Grant Certain Political Rights to State Employees" (S.P. 167) (L.D. 435)

Reported the same **Ought to Pass in New Draft under New Title** Bill "An Act Relating to Solicitations and Public Office Holding by State Employees" (S.P. 533) (L.D. 1434)

Which Report was **READ** and **ACCEPTED**. The Bill in **NEW DRAFT under NEW TITLE READ ONCE**.

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

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

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

On motion by Senator **GILL** of Cumberland, **RECESSED** until the sound of the bell.

After Recess

The Senate called to Order by the President.

#### SECOND READERS

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

##### House

Bill "An Act to Clarify the Use of the Hand Fishing Scallop License" (H.P. 411) (L.D. 564)

Bill "An Act to Study the Location of the Supreme Judicial Court in the City of Augusta" (H.P. 973) (L.D. 1395)

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

Bill "An Act to Require Notice of the Smoking Policy in Restaurants" (H.P. 970) (L.D. 1379)

Which was **READ A SECOND TIME**.

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

Senator **CHALMERS:** I request permission to speak on L. D. 1379.

**THE PRESIDENT:** The Senator has the floor.

Senator **CHALMERS:** I only want to make a comment to the Members of the Senate that this is the Bill that says restaurants ought to put up smoking or no smoking signs. I just want to comment that this Bill has no penalty, very much like the Spurs Bill or Senator Bustin's earlier Bill. I think we ought to be aware that sometimes just passing Bills because it would be a good thing if we passed them with no enforcement, and because eighty percent of the people will go along with them if we pass them, I question if that's a very good idea. I only want to make a comment. I don't ask you to vote any other way.

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

Senator **BERUBE:** Thank you Mr. President, and Members of the Senate. The Bill before you does not require that the establishment, the restaurant, have a policy. It does not require that. Senator Chalmers is right. It does require that it have a sign that says "This is a smoking area, or this is a non-smoking area." But it also says that in lieu of that, that whoever receives you in a restaurant will say to you "Do you want to sit in a smoking or a non-smoking area?" You can do it verbally or you can have it posted in printed form. What the Bill does