

# 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**

firmative 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 and remain standing until counted.

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

The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator **PEARSON**: Mr. President, Men and Women of the Senate. I used to own a motorcycle; I used to use a helmet but I never had eye glass in front of it or any kind of shield in front of it. So I really can't speak to it fogging up on a motorcycle. I ate an awful lot of mosquitoes. I do remember that, but I do remember skiing a lot—down hill skiing with goggles and let me tell you, if you tell somebody they've got to wear those after the conditions are so variable that one minute it will be fogged up and the next minute it won't.

I suspect that Senator McBreairty is absolutely correct. If you're riding down the road on a rainy day or whatever, the weather conditions are bad, and it's apt to fog up and you may not want to have goggles (eye protection). It may be a detriment to your safety, and further, it says "you have to wear eye protection." Do my contact lenses qualify as eye protection? If so, how much does that afford me?

**THE PRESIDENT**: The pending question before the Senate is the motion by the Senator from Aroostook, Senator McBreairty that L.D.666 be Indefinitely Postponed.

A Yes vote will be in favor of Indefinite Postponement.

A No vote will be opposed.  
The Doorkeepers will secure the Chamber.  
The Secretary will call the Roll.

**ROLL CALL**

**YEAS**:—Senators, Berube, Black, Clark, Diamond, Dow, Gauvreau, Gill, Hichens, Kany, Maybury, McBreairty, Najarian, Pearson, Perkins, Stover, Trafton, Twitchell, Webster

**NAYS**:—Senators, Andrews, Baldacci, Brown, Bustin, Carpenter, Chalmers, Danton, Dutremble, Erwin, Matthews, Shute, Tuttle, Usher, Violette, The President - Charles P. Pray

**ABSENT**:—Senators, Emerson, Sewall

18 Senators having voted in the affirmative and 15 Senators in the negative, with 2 Senators being absent, the motion to **INDEFINITELY POSTPONE** the Bill and Accompanying Papers, in **NON-CONCURRENCE, PREVAILED**.

Sent down for concurrence.

**Emergency**

An Act to Amend the Charter of the Bustin's Island Village Corporation (H.P. 38) (L.D. 40) (C"A" H-115)

This being an Emergency Measure and having received the affirmative vote of 31 members of the Senate, with No Senators having voted in negative 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, Pertaining to a State Employee Health Promotion (H.P. 990) (L.D. 1428) (S"A"S-79)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in negative was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**Constitutional Amendment**

Resolution, Proposing an Amendment to the Constitution of Maine to Extend the Tenure for Sheriffs from 2 Years to 4 Years (S.P. 348) (L.D. 943)

Comes from the House **FAILING OF FINAL PASSAGE**.

**THE PRESIDENT**: This being a Constitutional Amendment under Section 4, article 10 of the Maine Constitution requires for its Final Passage the affirmative vote of two-thirds of the Membership present and voting.

The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator **PEARSON**: Mr. President, I'm confused. I would like to pose a question to the Chair.

**THE PRESIDENT**: The Senator may state his inquiry.

Senator **PEARSON**: The House has refused passage of this.

**THE PRESIDENT**: That is correct.

Senator **PEARSON**: We're voting on final passage?

**THE PRESIDENT**: That is correct.

Senator **PEARSON**: It won't come back here again?

**THE PRESIDENT**: The Chair would answer in the affirmative.

Senator **PEARSON**: Then Mr. President, I would ask the good Senator from Kennebec, Senator Dow, to put this on the Appropriations Table.

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

Senator **DOW**: I move that L.D. 943 Lie on the Special Appropriations Table.

**THE PRESIDENT**: The Senator from Kennebec, Senator Dow moves that L.D. 943 Lie on the Special Appropriations Table.

Is this the pleasure of the Senate?  
On motion by Senator **TUTTLE** of York, Tabled 1 Legislative Day, pending **FINAL PASSAGE**.

Out of Order and Under Suspension of the Rules, the Senate considered the following:

**COMMUNICATIONS**

The Following Communication:  
**112th LEGISLATURE COMMITTEE ON AGRICULTURE**  
May 13, 1985

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 Agriculture has had under consideration the nomination of James M. Begert of Lewiston, as a member of the Maine State Harness Racing Commission.

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 3  
Representatives 9  
**NAYS**: 0  
**ABSENT**: 1 (Rep. McCollister of Canton)

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 James M. Begert of Lewiston, as a member of the Maine State Harness Racing Commission be confirmed.

Sincerely,

S/ EDGAR E. ERWIN  
Senate Chair  
S/ JOHN M. MICHAEL  
House Chair

Which was **READ** and **ORDERED PLACED ON FILE**.

**THE PRESIDENT**: The Joint Standing Committee on **AGRICULTURE** has recommended that the nomination of **James M. Begert** be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on **AGRICULTURE** 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, Clark, Danton, Diamond, Dow, Dutremble, Erwin, Gauvreau, Gill, Hichens, Kany, Matthews, Maybury, McBreairty, Najarian, Pearson, Perkins, Shute, Stover, Trafton, Tuttle, Twitchell, Usher, Violette, Webster, The President - Charles P. Pray

**ABSENT**:—Senators, Chalmers, Emerson, Sewall

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and None being less than two-thirds of the membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **James M. Begert** was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

**SENATE PAPERS**

Bill "An Act to Provide for Greater Tax Expenditure Accountability" (S.P. 579)

Presented by Senator **ANDREWS** of Cumberland

Cosponsored by: Representative **CASHMAN** of Old Town,

Senator **TWITCHELL** of Oxford, Representative **HOLLOWAY** of Edgecomb

Which was referred to the Committee on **TAXATION** and **ORDERED PRINTED**.

Sent down for concurrence.

**COMMITTEE REPORTS**

**Senate**

**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 Concerning Surplus Funds Generated by Ferry Lines" (S.P. 517) (L.D. 1391)

**Ought to Pass**

Senator **TRAFTON** for the Committee on **LEGAL AFFAIRS** on Resolve, Authorizing Clayton, Maryann, Jeremy, and Elizabeth Huff to Bring Civil Action Against the State and Cumberland County (S.P. 508) (L.D. 1368)

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

Which Report was **READ** and **ACCEPTED**.  
The Resolve **READ ONCE**.

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

**Divided Report**

The Majority of the Committee on **TRANSPORTATION** on Resolve, to Establish a Commission to prepare a Revision of the State's Motor Vehicle Laws (Emergency) (S.P. 321) (L.D. 810)

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

Signed:  
Senators:

**DANTON** of York  
**ERWIN** of Oxford  
**SHUTE** of Waldo

Representatives:  
**THERIAULT** of Fort Kent  
**SOUCY** of Kittery  
**STROUT** of Corinth  
**POULIOT** of Lewiston  
**MILLS** of Bethel

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