

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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Department of Transportation and the rail situation that exist in these other areas as well.
Thank you, Mr. President.
Which was ADOPTED.
Sent down forthwith for concurrence.

Senate at Ease
Senate called to order by the President.

(OFF RECORD REMARKS)

On motion by Senator PRAY of Penobscot Recessed until the sound of the Bell.

RECESS
AFTER RECESS
Senate called to order by the President.

Out of Order and Under Suspension of the Rules, the Senate voted to take up the following:

**PAPERS FROM THE HOUSE
ORDER**

Joint Resolution

The Following Joint Resolution: H. P. 1888
**JOINT RESOLUTION IN HONOR OF
OLYMPIC ATHLETE
JOAN BENOIT**

WHEREAS, Joan Benoit has captured the hearts of the people not only from this State, but those across our great nation and beyond; and

WHEREAS, she entered the Games of XXIII Olympiad, in Los Angeles, California, as a young hopeful woman in excellent condition who would meet all challenges in the spirit of sportsmanship and fair competition; and

WHEREAS, she became the first woman ever in Olympic history to win the gold medal in the women's marathon; and

WHEREAS, "Joanie," with home and roots deep in the soul of Maine, has given athletes the world over a shining example of championship; and

WHEREAS, Joan Benoit, with typical grace, determination, perseverance and a relentless pace has given us all a thrilling moment and memory that will glow as brightly as the Olympic torch itself for years to come; now therefore, be it

RESOLVED: That we, the Members of the 111th Legislature, now assembled in special session, join at this time to honor and pay tribute to Joan Benoit, Olympic Gold Medalist, of Freeport, who with dignity and athletic prowess has so well represented her state and her nation; and be it further

RESOLVED, That a suitable copy of this joint resolution be presented to Joan Benoit in token of deep pride of her outstanding accomplishment.

Comes from the House READ and ADOPTED.
Which was READ and ADOPTED, in concurrence.

COMMUNICATIONS

The Following Communication: H. P. 1890
**STATE OF MAINE
HOUSE OF REPRESENTATIVES**
September 6, 1984

John L. Martin
Speaker of the House
111th Legislature
Gerard P. Conley
President of the Senate
111th Legislature

Dear Mr. Speaker and Mr. President:

On September 6, 1984 one Bill was received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, this bill was referred to the Joint Standing Committee on September 6, 1984 as follows:

**APPROPRIATIONS AND
FINANCIAL AFFAIRS**

Bill "An Act to Create the Downeast Correctional Facility within the Department of Corrections" (Emergency) (H. P. 1889) (L. D. 2487) (Presented by Representative DIAMOND of Bangor) (Cosponsors: Senator

BROWN of Washington, Representatives MANNING of Portland and RANDALL of East Machias)

Sincerely
S/EDWIN H. PERT
Clerk of the House
S/JOY J. O'BRIEN
Secretary of the Senate

Comes from the House READ and ORDERED PLACED ON FILE.

Which was READ and ORDERED PLACED ON FILE, in concurrence.

The Following Communication: H. P. 1892
STATE OF MAINE

HOUSE OF REPRESENTATIVES

September 6, 1984

John L. Martin
Speaker of the House
111th Legislature
Gerard P. Conley
President of the Senate
111th Legislature

Dear Mr. Speaker and Mr. President:

On September 6, 1984 one Bill was received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, this bill was referred to the Joint Standing Committee on September 6, 1984 as follows:

PUBLIC UTILITIES

Bill "An Act to Allow the Establishment of Generation and Transmission Cooperatives for the Purpose of Reducing Borrowing Costs for Ratepayers" (Emergency) (H. P. 1891) (L. D. 2488) (Presented by Representative VOSE of Eastport) (Cosponsors: Representatives TAMMARO of Baileyville, MOHOLLAND of Princeton and Senator CARPENTER of Aroostook)

Sincerely,
S/EDWIN H. PERT
Clerk of the House
S/JOY J. O'BRIEN
Secretary of the Senate

Comes from the House READ and ORDERED PLACED ON FILE.

Which was READ and ORDERED PLACED ON FILE, in concurrence.

COMMITTEE REPORTS

Senate

Ought to Pass

Senator TRAFTON from the Committee on JUDICIARY on Bill, "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine." (Emergency) S. P. 931 L. D. 2489

Reported that the same Ought to Pass Pursuant to Joint Order S. P. 925.

Which Report was READ and ACCEPTED.
The Bill READ ONCE.

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

SENATOR TRAFTON: Thank you, Mr. President. In hopes to expedite the process here tonight and also in hopes to provide necessary information for members of this body to vote with confidence on this particular measure I rise to give a brief explanation of the Errors Bill.

To Members of the Democratic Senate, I did indicate that a caucus might be necessary in order to discuss some of the matters contained in this Bill. In hopes of expediting tonight's process, I will try to provide the same information to members of both parties to avoid the need of an extra caucus.

This Errors' Bill recommended to this special session by the Judicial Committee differs from errors' bills considered during Regular Legislative Sessions. This Errors' Bill contains not only the normal technical corrections typically recommended, but also some substantive provisions of an emergency nature. The Judicial Committee takes this unusual step of proposing these substantive amendments in an errors' bill because this bill is the only vehicle available in this special session for making these necessary changes.

This bill contains no amendments affecting appropriations. Any suggestions concerning appropriations were deleted by the Judicial Committee and referred to the Appropriations Committee for their consideration.

Because this Errors' Bill contains more than technical corrections, I want to point out the sections of this bill which do provide for substantive changes:

Sections 2-6 of the bill correct the constitutional officers' salaries, some of which were inadvertently lowered in the last regular session.

Sections 27 and 28 correct unattended repeal of certain rule-making powers for the Commissioner of Agriculture including rural resources.

Section 29 replaces a ceiling on the tax of boxing and wrestling receipts mistakenly removed from the bill by a drafting error.

Sections 30-32 reenact a grandfathering clause inadvertently repealed by the Finance Authority of Maine Legislation enacted last session.

Section 38 remedies problems that have arisen in the selling of non-resident hunting and fishing licenses, particularly as to the \$30.00 fee required for someone selling licenses.

Sections 48-50 amend Maine's domestic relation laws to permit courts for good cause shown to hear motions for certain temporary orders prior to a final order without referring to the party's mediation.

Section 68 places to unorganized townships inadvertently omitted from any Legislative District by the recent reapportionment bill into House District #132.

Section 73 replaces the penalty provision in the hazardous material control statutes which was mistakenly repealed last session.

Section 85 and 86 amend the forest fires suppression tax statutes to address the issue of exemptions for multiple owners of acreage and to extend the time for calculation of the tax.

Sections 97-102 correct mistakenly enacted provisions of the Kennebec County Budget.

The Judiciary Committee was very reluctant to propose any substantive changes to this particular bill; however, members of the Committee and staff have tried to contact those committees which were originally concerned with the bills which are corrected or amended by this particular act. In all instances the Judiciary Committee feels that the original committee which had the piece of legislation which is being corrected agrees with the proposed correction.

Mr. President, at this time I would like to submit Senate Amendment "B" to S. P. 931 under filing number S-444 and move its adoption, and I would like to speak to the motion.

THE PRESIDENT: Is it now the pleasure of the Senate that under suspension of the Rules that the Bill be given its Second Reading at this time by Title Only?

It is a vote.

Under suspension of the Rules, the Bill READ A SECOND TIME.

On motion by Senator TRAFTON of Androscoggin the Senate voted to Suspend Joint Rule 20.

THE PRESIDENT: The Senator from Androscoggin, Senator Trafton, now offers Senate Amendment "B" to S. P. 931 and moves its Adoption.

Senate Amendment "B" (S-444) was READ.

THE PRESIDENT: The Senator has the floor.

SENATOR TRAFTON: Mr. President, Senate Amendment "B" is in lieu of Senate Amendment "A" which has also been distributed. Senate Amendment "B" proposes to amend the bill currently on the floor, the Errors and Inconsistencies Bill.

In one respect it addresses the recent mandatory mediation law affecting divorces and separation. It provides that in emergency situations a court may hear a motion pending di-

voice, meaning an emergency interim motion prior to any kind of mediation. This is necessary in emergency situations dealing with child custody and support. Senate Amendment "B" specifically provides that this waiver of mediation for orders pending is only for the period from the date of enactment of this particular bill and until March 1, 1985. In other words, this waiver of mandatory mediation has a sunset and this provision expires on March 1, 1985.

Senate Amendment "B" (S-444) was ADOPTED.

The Bill was PASSED TO BE ENGROSSED as Amended.

Sent down forthwith for concurrence.

Senator PRAY of Penobscot was granted unanimous consent to address the Senate Off the Record.

On motion by Senator PRAY of Penobscot, Adjourned until Monday, September 10, 1984 at 9 o'clock in the morning.