

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Tenth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

December 3, 1980 to May 1, 1981

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STATE OF MAINE
One Hundred and Tenth Legislature
First Regular Session
JOURNAL OF THE SENATE

April 2, 1981

Senate called to order by the President.

Prayer by Ms. Jeri Brooks, State Chaplain of the American Legion Auxiliary.

MS. BROOKS: Shall we pray. Lord, I come to You in prayer this morning, asking Your blessing upon not only our great country, but the leaders of our State. Make them aware the future will be what they do with today, and what they have done with yesterday. This day is a day to help carve a better future for our communities, our State, and our Nation. Direct each of them in keeping ever alert to the needs of the people, and remind each of them that we are truly one nation, under God.

Grant a swift and speedy recovery to the President and others, who were injured on Monday. Please be with their families at this difficult time.

May we go forth with the zest, vigor, and vitality toward a higher goal, with renewed dedication and steadfast devotion. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

**Papers from the House
Non-concurrent Matter**

Bill, "An Act to Repeal the Termination Date of the Emergency Petroleum Products Supply Act. (Emergency) (H. P. 863) (L. D. 977)

In the House, March 25, 1981, Passed to be Engrossed as amended by Committee Amendment "A" (H - 116).

In the Senate, March 27, 1981, Minority Ought Not to Pass Report Read and Accepted, in non-concurrence.

Comes from the House, that Body having Adhered.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, I move the Senate Adhere.

The PRESIDENT: The Senator from Knox, Senator Collins, moves that the Senate Adhere.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I move that the Senate Recede and Concur with the House.

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves that the Senate Recede and Concur with the House.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, Members of the Senate, to clear up this matter that is before us, though the Senate has already taken action opposite to that which we would do if we Recede and Concur, I would hope to be able to share with some of you some reasons to perhaps change your mind and now support the Bill that's before us and the motion that's been made.

The concern of those of us who support this matter, since the decontrol by the Federal Government on oil, is of course, the supply factor of petroleum products to the State of Maine. This Bill would require notification or replacement by a supplier, if one was going to leave the State of Maine.

I have heard from the opponents of this Bill, basically the fact that Maine has been assured that it is a good market area and that there will always be somebody supplying the oil. There's some statistical data which has come out since the decontrol in relationship to other states and Maine, as well, that does not necessarily point that out to be true. For an example, some market areas, since the decontrol, and what has happened in Wisconsin, Texaco has an-

nounced plans to withdraw as its contracts expire, representing over 10 percent of their fuel, in the State of Wisconsin. Wisconsin does have a state law which requires 90 day notification; in New Jersey, Phillips Petroleum will supply until April 30, and then they will be withdrawing from that state; in New Mexico, Getty Oil will be withdrawing from the state of New Mexico; in Missouri, Texaco and others such as Sun Oil, are presently considering withdrawal. They have announced that this is action that they are contemplating at this time; in Idaho, Mobil, Texaco, Shell, and Union have announced that they will be withdrawing from that state; in New York, Shell and Texaco have announced plans to withdraw from that state. Exxon plans to stop supplying heating fuel. I could continue on this list of announcements which have been made of major oil companies which are planning to withdraw in the short future.

The Bill that we have before us, all it does is require that they give us, the people of the State, notification of their withdrawal, or replace with another supplier. I believe that it would be irresponsible for us, in this day, and particularly the necessity of petroleum products in this State, to do otherwise than to pass this Bill.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Mr. President, Ladies and Gentlemen of the Senate, certainly I don't intend to get into a big long debate on this subject again, since we've been over it so carefully not too many days ago.

I would just like to respond briefly, though, to the suggestion that because the majors are pulling out of, or cutting back, or pulling out, or whatever you want to say, on some of the states around the United States, that it's a particular crisis-type problem. I would suggest to you that it's not. If you will recall, I gave you statistics when we discussed this before, that the major oil companies are getting out of the retail business all over the United States, and have been for quite awhile. The distributors are taking over the retail business.

In just the last few years, the distributors' share of the retail market has gone from 41 percent to over 50 percent. There is no crisis. We are a good market. We're close to the supply with one of the best ports in the world.

I would urge you not to Recede and Concur, and not send out the signals that are negative, when we already are trying to deregulate business from one end of the spectrum to the other. Thank you.

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is the motion by the Senator from Cumberland, Senator Conley, that the Senate Recede and Concur with the House.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, when the vote is taken, I request it be taken by the Yeas and Nays.

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 pending question before the Senate is the motion by the Senator from Cumberland, Senator Conley, that the Senate, Recede and Concur with the House.

A Yes vote will be in favor of the motion to Recede and Concur.

A No vote will be opposed.

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

ROLL CALL

YEA — Brown, Bustin, Carpenter, Charette, Clark, Conley, Dutremble, Kerry, Najarian, O'Leary, Pray, Trafton, Usher, Violette, Wood.
NAY — Ault, Collins, Devoe, Emerson, Gill, Hichens, Huber, McBreairty, Minkowsky, Perkins, Pierce, Redmond, Sewall, C.; Shute, Sutton, Teague, Trotzky.

ABSENT — None.

A Roll Call was had.

15 Senators having voted in the affirmative and 17 Senators in the negative, with No Senators being absent, the motion to Recede and Concur does not prevail.

The PRESIDENT: Is it now the pleasure of the Senate to Adhere?

It is a vote.

**Joint Resolution
State of Maine**

IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND EIGHTY-ONE

**JOINT RESOLUTION IN RECOGNITION OF
THE CENTENNIAL YEAR OF AMERICAN
LABOR**

WHEREAS, 1981 is the centennial year of American labor, the celebration of a century which had the founding in 1881 of the Federation of Organized Trades and Labor Unions; in 1886, the American Federation of Labor; in 1904, the Maine State Federation of Labor; in 1938, the Congress of Industrial Organizations; in 1955, the American Federation of Labor — Congress of Industrial Organizations; and in 1956, the Maine AFL-CIO; and

WHEREAS, the history of the American labor movement is the story of the dreams of the American people, the forces which moved them to act to make those dreams come true, their struggles and setbacks and the eventual victories for social justice that are labor's lasting legacy to the future; and

WHEREAS, labor's centennial motto, "A Century of Achievement, A Challenge for the Future," commits each generation of trade union people to build on the heritage of the past but at the same time to resist the temptation to follow the easy path of merely repeating old dogma and to rededication to the sound principle of harnessing democratic tradition and trade union heritage with the necessity of reaching out for new and better ways to serve all working people and the entire nation; and

WHEREAS, Samuel Gompers' real response, which continues to express labor's aspirations, to the question, "What does labor want?" was not merely "more", but instead: "...What does labor want? It wants the earth and the fullness thereof. There is nothing too beautiful, too lofty, too ennobling unless it is within the scope and comprehension of labor's aspirations and wants...We want more school houses and less jails; more books and less arsenals; more learning and less vice; more constant work and less crime; more leisure and less greed; more justice and less revenge; in fact, more of the opportunities to cultivate our better natures..." and

WHEREAS, the AFL-CIO and its affiliate the Maine AFL-CIO, acts as the "people's lobby" in the United States Congress and in the Maine Legislature; now, therefore, be it

Resolved: That we, the members of the 110th Legislature join with the men and women of the American unions in commemorating this century of American labor and that it recognizes the role of the Maine AFL-CIO in its endeavors to better the human condition of all Maine workers; and be it further

RESOLVED: That suitable copies of this resolution be prepared and transmitted forthwith by the Secretary of State to the national and state offices of the AFL-CIO. (H. P. 1305)

Comes from the House, Read and Adopted. Which was Read and Adopted, in concurrence.

House Papers

Bill, "An Act to Control the Cost of Workers' Compensation Rates to Maine Employers." (H. P. 1291) (L. D. 1504)

Comes from the House, referred to the Committee on Business Legislation and Ordered Printed.

Which was referred to the Committee on Business Legislation and Ordered Printed, in concurrence.

Bill, "An Act to Provide for the Registration of Trail Bikes by the Department of Inland Fisheries and Wildlife." (H. P. 1286) (L. D. 1501)

Comes from the House, referred to the Committee on Fisheries and Wildlife and Ordered Printed.

Which was referred to the Committee on Fisheries and Wildlife and Ordered Printed, in concurrence.

Bill, "An Act to Prohibit Conveyance of Assets to Qualify for Public Assistance Program." (H. P. 1292) (L. D. 1505)

Comes from the House, referred to the Committee on Judiciary and Ordered Printed.

Which was referred to the Committee on Judiciary and Ordered Printed, in concurrence.

Bill, "An Act to Provide Greater Local Control over Liquor Licensing." (H. P. 1293) (L. D. 1306)

RESOLVE, to Reimburse Mr. and Mrs. David Condon of Levant for Property Damage and Personal Injury Resulting from Assistance Given the Division of Special Investigation by Mr. Condon." (Emergency) (H. P. 1298) (L. D. 1509)

Comes from the House, referred to the Committee on Legal Affairs and Ordered Printed.

Which were referred to the Committee on Legal Affairs and Ordered Printed, in concurrence.

Bill, "An Act to Revise the County Budget Process to Prevent the Incurrence of Deficits." (H. P. 1294) (L. D. 1507)

Comes from the House, referred to the Committee on Local and County Government and Ordered Printed.

Which was referred to the Committee on Local and County Government and Ordered Printed, in concurrence.

Bill, "An Act to Establish a Marine Resources Development Commission." (H. P. 1295) (L. D. 1508)

Comes from the House, referred to the Committee on Marine Resources and Ordered Printed.

Which was referred to the Committee on Marine Resources and Ordered Printed, in concurrence.

Bill, "An Act to Establish a Legislative Review of Agency Rules." (H. P. 1287) (L. D. 1502)

Comes from the House, referred to the Committee on State Government and Ordered Printed.

Which was referred to the Committee on State Government and Ordered Printed, in concurrence.

Bill, "An Act to Reduce the Subsidy Index for the Local Share of the State and Local Allocation by 50% for Residential Property and Shift the Tax Burden to the Individual Income Tax." (H. P. 1288) (L. D. 1503)

Comes from the House, referred to the Committee on Taxation and Ordered Printed.

Which was referred to the Committee on Taxation and Ordered Printed, in concurrence.

Orders

Expressions of Legislative Sentiment recognizing:

Kristen Boynton, a 4th grader at Yarmouth Intermediate School, 8th place winner in the Statewide Poster Contest sponsored by the Office of Energy Resources. (S. P. 544) presented by Senator CLARK of Cumberland (Cosponsor: Representative JACKSON of Yarmouth).

Brent Poulin of Troop 648, St. John's School in Brunswick, who has attained the highest honor in scouting, the Eagle Scout Badge. (S. P. 545) presented by Senator CLARK of Cumberland (Cosponsors: Representative MARTIN of Brunswick and Representative LIVESAY of Brunswick)

Jill Stanton, member of the Brunswick High School basketball team, who has been named to the Kennebec Valley Athletic Conference all-star squad (S. P. 546) presented by Senator CLARK of Cumberland (Cosponsors: Representative MARTIN of Brunswick and Representative LIVESAY of Brunswick).

Debbie Shaw, member of the Brunswick High School basketball team, who has been named to the Kennebec Valley Athletic Conference all-star squad. (S. P. 547) presented by Senator CLARK of Cumberland (Cosponsors: Representative MARTIN of Brunswick and Representative LIVESAY of Brunswick).

Joanne Palombe, member of the Brunswick High School basketball team, who has been named to the Kennebec Valley Athletic Conference all-star squad. (S. P. 548) presented by Senator CLARK of Cumberland (Cosponsors: Representative MARTIN of Brunswick and Representative LIVESAY of Brunswick).

Caribou High School Marching Band, which has been selected to participate in the 1981 Cherry Blossom Festival parade in Washington, D.C. (S. P. 549) presented by Senator McBREARITY of Aroostook (Cosponsors: Representative PETERSON of Caribou, Representative MATTHEWS of Caribou and Representative NELSON of New Sweden).

Which were Read and Passed.

Sent down for concurrence.

Committee Reports**House****Ought to Pass**

The Committee on Judiciary on, Bill, "An Act to Ensure the Rights of Privacy of Recipients of Public Assistance." (H. P. 820) (L. D. 974)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed.

Which Report was Read and Accepted, in concurrence, and the Bill Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

The Committee on Business Legislation on, Bill, "An Act Relating to the Availability of Joint Life Insurance in Connection with Real Estate Mortgage Loans." (H. P. 517) (L. D. 583)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-151).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

The Committee on Labor on, Bill, "An Act to Provide the Employment Security Commission Flexibility in Handling Administrative Appeals." (H. P. 667) (L. D. 771)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-148)

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

The Committee on Public Utilities on, Bill, "An Act to Require Equitable Treatment of Electric Charges for Common Areas of Multi-unit Rental Dwellings." (H. P. 558) (L. D. 633)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-142).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

The Committee on Taxation on, Bill, "An Act to Provide for Payment of Interest to the Taxpayer on the Amounts Over-collected by Taxes." (H. P. 860) (L. D. 1023)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-153).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

The Committee on Taxation on, Bill, "An Act to Allow for the State's Collection of Aircraft Excise Taxes and to Reimburse these Funds." (H. P. 996) (L. D. 1184)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-154).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

Which Reports were Read and Accepted, in concurrence, and the Bills Read Once. Committee Amendments "A" were Read and Adopted, in concurrence, and the Bills as amended, Tomorrow Assigned for Second Reading.

The Committee on Public Utilities on, Bill, "An Act to Amend the Lien Law for Sewer Districts." (Emergency) (H. P. 222) (L. D. 259)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-141).

Comes from the House, the Bill Passed to be Engrossed as amended by House Amendment "A" (H-155).

Which Report was Read, and Accepted, in concurrence.

The Bill Read Once. Committee Amendment "A" (H-141) was Read.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President and Members of the Senate: The amendment that should have been put on by the Committee was really House Amendment "A", therefore, because of the mistake, I would move that Committee Amendment "A" be Indefinitely Postponed.

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, moves that Committee Amendment "A" be Indefinitely Postponed.

Is this the pleasure of the Senate?

It is a vote.

House Amendment "A" (H-155) was Read and Adopted, in concurrence, and the Bill, as amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on State Government on, RESOLUTION, Proposing an Amendment to the Constitution of Maine to Abolish the Office of Secretary of State and to Create the Office of Lieutenant Governor. (H. P. 436) (L. D. 483)

Reported that the same Ought to Pass.

Signed:

Senator:

VIOLETTE of Aroostook
Representatives:

KANY of Waterville
McGOWAN of Pittsfield
PARADIS of Augusta
LISNIK of Presque Isle
WEBSTER of Farmington
DIAMOND of Bangor

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

Signed:

Senators:

AULT of Kennebec

GILL of Cumberland
Representatives:

BELL of Paris
DILLENBACK of Cumberland
MASTERTON of Cape Elizabeth
SMALL of Bath

Comes from the House, the Resolution
Passed to be Engrossed.

Which Reports were Read.

The PRESIDENT: The Chair recognizes the
Senator from Kennebec, Senator Ault.

Senator AULT: I move Acceptance of the
Ought Not to Pass Report.

The PRESIDENT: The Senator from Kenne-
bec, Senator Ault, now moves that the Senate
Accept the Minority Ought Not to Pass Report
of the Committee.

The Chair recognizes the Senator from
Aroostook, Senator Violette.

Senator VIOLETTE: Mr. President, and
Ladies and Gentlemen of the Senate, I know
we've had this Bill in past Legislatures, and I
know the result of past attempts to change the
Constitution to what I feel is, quite frankly, a
practice which is now exercised in some 40
other states in this nation, where they have
seen fit to provide for, as I see it, a continuity
of the voter's decision to elect a governor, and
to provide for continuity in that office, if the
governor should happen to pass away.

In the last Gubernatorial Election of 1978,
some 370,000 votes were cast in that Guberna-
torial Election. The largest vote-getter in the
1980 Senatorial Election was the good Senator
from Cumberland, Senator Huber, who, in that
race, some 17,000 votes were cast, or about 5
percent as many votes as were voted in the Gu-
bernatorial Election.

Thus, it makes absolutely no sense to me,
why a vote by 5 percent of the people of the
State of Maine from, be it the County of Cum-
berland, or in this instance, the County of Pe-
nobscoot, should have the right to elect, in
essence, a governor. I simply feel that it would
make far greater sense to amend our Constitu-
tion, as I have said, some 40 other states have,
or had adopted this originally when they
became states, to provide for what I consider
to be continuity, and the continuity of the
voters' right to exercise their right to vote and
support those people as they wish.

So I would simply hope today, you would not
support the motion to Accept the Minority
Ought Not to Pass Report, and that you would
Accept the Ought to Pass Report. Thank you.

The PRESIDENT: Is the Senate ready for
the question?

The Chair will order a Division. Will all those
Senators in favor of the motion by the Senator
from Kennebec, Senator Ault, that the Senate
Accept the Minority Ought Not to Pass Report
of the Committee, please rise in their places to
be counted.

Will all those Senators opposed, please rise in
their places to be counted.

16 Senators having voted in the affirmative,
and 16 Senators having voted in the negative,
the motion to Accept the Minority Ought Not to
Pass Report of the Committee does not prevail.

Is it now the pleasure of the Senate to Accept
the Majority Ought to Pass Report of the Com-
mittee?

The Chair recognizes the Senator from Ken-
nebec, Senator Ault.

Senator AULT: I request a Division.

The PRESIDENT: A Division has been re-
quested.

The Chair recognizes the Senator from
Aroostook, Senator Violette.

Senator VIOLETTE: I don't mean to belabor
this point, and I don't really see this as being a
partisan issue at all. There has been a change,
quite frankly, there has been a change over the
last several years, with respect to the strength
of various parties in this State. For many many
years it, quite frankly, made no difference as
to who the governor was, or as to who the Pres-
ident of the Senate was. There has, since that

time, and this Chamber has been in control,
and it perhaps will be controlled in the next
Legislature by Democrats. A Democrat may
be elected President of the Senate. Who knows
what will happen in 1982, if the incumbent
Democratic governor will be re-elected or not?

I simply think it makes a great deal of sense,
that if the voters of the State of Maine wish to
elect a governor, for whatever reasons, and
that governor should happen to pass away, or
should not be able to serve, as I can draw a
very good analogy to perhaps the situation
which has occurred in the Capitol City in Wash-
ington, where, I certainly don't think that if the
President of the Senate was controlled by the
Democratic Party, and the President of the
Senate took over, or however that structure
would work there is somewhat different. In
drawing an analogy there, this is what the
people of this country wanted.

When you vote for the governor of the State
of Maine, I don't think you're also voting to say
that you want the President of the Senate to
take over in his absence.

I just hope that you would vote to Accept the
Majority Ought to Pass Report. Thank you.

The PRESIDENT: Is the Senate ready for
the question?

A Division has been requested.

Will all those Senators in favor of Accepting
the Majority Ought to Pass Report of the Com-
mittee, please rise in their places to be count-
ed.

Will all those Senators opposed, please rise in
their places to be counted.

14 Senators having voted in the affirmative
and 18 Senators having voted in the negative,
the Majority Ought to Pass Report of the Com-
mittee was not Accepted.

The Chair recognizes the Senator from Ken-
nebec, Senator Ault.

Senator AULT: I move Indefinite Postpone-
ment of L. D. 493.

The PRESIDENT: The Senator from Kenne-
bec, Senator Ault, now moves that the Senate
Indefinitely Postpone L. D. 483.

Is this the pleasure of the Senate?

The Chair is in doubt and will order a Divi-
sion.

Will all those Senators in favor of the motion
by the Senator from Kennebec, Senator Ault to
Indefinitely Postpone L. D. 483, please rise in
their places to be counted.

Will all those Senators opposed, please rise in
their places to be counted.

17 Senators having voted in the affirmative,
and 15 Senator having voted in the negative, the
motion to Indefinitely Postpone L. D. 483, in
nonconcurrency does prevail.

The Chair recognizes the Senator from Ken-
nebec, Senator Ault.

Senator AULT: I move Reconsideration.

The PRESIDENT: The pending question
before the Senate is the motion by the Senator
from Kennebec, Senator Ault, that the Senate
Reconsider its action whereby it Indefinitely
Postponed L. D. 483.

Will all those Senators in favor of Reconsid-
eration, please say "Yes".

Will all those Senators opposed, please say
"No".

A Viva Voca Vote having been had, the
motion to reconsider does not prevail.

Sent down for concurrence.

The President would ask the Sergeant-at-
Arms to escort the Senator from Knox, Senator
Collins, to the rostrum to assume the duties of
President pro tem.

The Sergeant-at-Arms escorted the Senator
from Knox, Senator Collins, to the rostrum,
where he acted as President pro tem.

The President then retired from the Senate
Chamber.

(Off Record Remarks)

Divided Report

The Majority of the Committee on Judiciary,
on,

Bill, "An Act Concerning the Use of Force to
Protect Property." (H. P. 143) (L. D. 169)

Reported that the same Ought Not to Pass.

Signed:

Senators:

DEVOE of Penobscot
CONLEY of Cumberland
KERRY of York

Representatives:

HOBBINS of Saco
REEVES of Newport
BENOIT of South Portland
O'ROURKE of Camden
LUND of Augusta
SOULE of Westport
LIVESAY of Brunswick

The Minority of the same Committee on the
same subject matter reported that the same
Ought to Pass as amended by Committee
Amendment "A" (H - 145).

Signed:

Representatives:

DRINKWATER of Belfast
CARRIER of Westbrook
JOYCE of Portland

Comes from the House, Passed to be En-
grossed as amended by Committee Amend-
ment "A".

Which Reports were Read.

The PRESIDENT pro tem: The Chair recog-
nizes the Senator from Penobscot, Senator
Devoe.

Senator DEVOE: I move the Senate Accept
the Majority Ought Not to Pass Report.

The PRESIDENT pro tem: The Senator
from Penobscot, Senator Devoe, moves that
the Senate Accept the Majority Ought Not to
Pass Report.

The Chair recognizes the Senator from
Oxford, Senator O'Leary.

Senator O'LEARY: I would request a Divi-
sion.

The PRESIDENT pro tem: The Chair recog-
nizes the Senator from York, Senator Hichens.

Senator HICHENS: Mr. President and Mem-
bers of the Senate: I would hope that one
member of the Judiciary Committee that
signed the Ought Not to Pass Report would be
willing to share with the Senate their reasons
for voting Ought Not to Pass on this Bill, which
gives people the right to protect their own
properties.

We've had a great problem in this State with
the protection of property by individuals. I
think this Bill, as amended, by the Committee,
would take care of the situation in our State. I
would like an explanation as to why all three
Senators voted Ought Not to Pass.

The PRESIDENT pro tem: The Chair recog-
nizes the Senator from Penobscot, Senator
Devoe.

Senator DEVOE: Thank you, Mr. President.
Members of the Senate, when the State of
Maine passed the Criminal Code in 1975 that
became effective in '76, there were some bal-
ances worked out. Any time you have a major
recodification of the law, then some people are
going to be dissatisfied.

One of the balances that was worked into the
Code was the question of what to do about the
use of deadly force and the tilt that was im-
planted in the Code at that time, was that if a
very serious crime is being committed in your
house, or you yourself are about to have deadly
force used on you, you may use deadly force on
the other person.

The Legislature did not tamper with the law
as it had existed since 1879 that said, the law is
well settled that an assault with intent to kill
can not be justified for the defense of property.
That's what it comes down to. The use of
deadly force can not be justified for the defense
of property.

I know this is an emotional question. I know
that people in rural areas have unbelievable
frustrations. Their gardens are tampered with,

their farming equipment, their tractors are tampered with. They may be taken. There may be malicious mischief worked on these so that money has to be paid out to repair these things.

I can read the paper. I know that people are terribly frustrated, but we have to widen our vision when we think about this Bill. We've got to ask ourselves, what is a human life worth?

At present, Section 105 of the Criminal Code says, "a person is justified in using a reasonable degree of non-deadly force." If you take the Committee Amendment "A" (H-145), and you look at Section 105, the first paragraph that is in the Committee Amendment is the same as the existing Section 105, except that there's a very significant clause left off the Committee Amendment. That clause is, "But he may use deadly force only under such circumstances as are prescribed in Sections 104, 107, and 108." Those Sections have to do with the limitations on the use of deadly force in the defense of premises, physical force that may be used by law enforcement officers, and those finally assisting law enforcement officers.

You've got to ask yourselves this morning, are you going to give in to emotion? Are you going to vote for a Committee Amendment that is virtually a license to shoot? Shoot first, ask questions later. That's all right, they were taking my hubcaps and I got tired of it. Do you want that on your conscience? What is a human life worth?

I hope there aren't many of these issues that come along this Session. What the House did is truly scary. There was a stampede mentality at the other end of the corridor.

I hope that good sense will prevail in this Body. Thank you very much, Mr. President.

The PRESIDENT pro tem: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President and Members of the Senate: This is a type of bill that has been described by the good Senator from Penobscot, Senator Devoe, as being one of high emotions. We recognize that there is considerable frustration outside of these Halls. Does a bad deed, such as the legislation that is before us this morning, is that going to correct the problem that's existing on the streets?

Last Monday, many of us were shocked and dismayed with the very despicable, wanton act that was created in the City of Washington D. C. I don't care who you were. A citizen of this country sat with disbelief, that once again, an attempt at assassination on the President of this country and several of those around him. I trembled when I first heard the news. I trembled this morning, when I woke up, and on the radio I heard where a 14 year old boy was shot when he was found in the home of a 72 year old man. A 14 year old boy. Under the law that we passed a few years ago, that man, that 72 year old man had the right to protect his home, but a 14 year old boy!

Let's talk about what this does, this Committee Amendment. It's no longer in the home, it's the property. It's what's taken place outside. I don't want to use a crazy example of some kid in the apple orchard, or something like that, or somebody stealing hubcaps. The fact is that someone could hear a barrel being knocked over out in the yard. Somebody runs through the yard. Out comes a shotgun and bang, life is snuffed out. We go over to retrieve what property has been taken, and we find there has been none.

We did away with capital punishment in this State, because the wrong person was executed. Are we going to bow now because of the fears that are in the cities and in our towns? Are the acts created by people who we all, all want to see model citizens?

I have twelve children. I know many of you have children. I fear, every day, that someday the phone's going to ring just to hear that one of them got hit by a car. When you have twelve, and people only have one, that's twelve times

the amount of worry that I have with kids. They're not all perfect. I wish they were all model. Every one of them is different.

How would you, as a parent, feel when that phone rings and your child was with another group of kids? If you read this Amendment, Aggravated Mischief. What does Aggravated Mischief mean to you? Is it worth the value of that boy or that girl being shot?

Give this issue some serious, serious thought and don't prevail upon the emotions of somebody breaking into every place in the country. We have laws on the books that pertain to breaking, entering, and larceny. We have some severe penalties on the books that deal with those areas.

I plead with the Members of this Body not to go to the extreme that this legislation proposes, and would hope that we would Accept the Majority Ought Not to Pass Report.

The PRESIDENT pro tem: The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: Mr. President, I think we have just listened to quite an exaggerated explanation by the good Senator from Cumberland, Senator Conley, in saying about people going through the yards, knocking over their trash cans, and so forth, and somebody might come out and shoot them.

In the second part of 105, as referred to by the good Senator from Penobscot, Senator Devoe, it says in the Amendment, "a person is justified in using deadly force upon another to protect his property when and to the degree he reasonably believes that deadly force is immediately necessary, to prevent the other who is fleeing immediately after committing burglary, robbery, or theft, by unauthorized taking in the night time, from escaping with the property, and when he reasonably believes that the property can not be recovered by any other means, or the use of force other than deadly force to protect the property would expose the actor to a substantial risk of death, or serious bodily injury."

The good Senator from Cumberland, also referred to the man who shot a 14 year old boy yesterday, but he didn't say, or add, that that boy was wearing a ski-mask and had a large knife in his hand when he went to the door of that house. What would you have done if you had looked out the window and seen somebody with a ski-mask on and a knife in their hand? Would you have opened the door and said, come on in? No, I think that you would have taken the gun the same as the 72 year old man, who was scared right out of his wits, would have done, and would have shot in self-defense.

The PRESIDENT pro tem: The Chair recognizes the Senator from York, Senator Kerry.

Senator KERRY: Mr. President, Ladies and Gentlemen of the Senate, this Bill is probably one of the most important bills that we deal with this Legislative Session, mainly because, very seldom does a policy making body have the opportunity to virtually give someone the power to be the judge, the jury, and executioner. I think, in the proper separation of powers within our government, we have the legislative body that establishes policy. I think it's significant to note that we happen to be within that historical context, the only legislative body, if we pass this legislation, since the Magna Carta was instituted in the English system of law, to ever give any individual citizen, other than a public executioner, the right to be the judge, the jury, and the executioner without direct deadly force being utilized against us.

I think the point that Senator Conley made, and I being the father of three children, and I only worry about one quarter as much as Senator Conley under those circumstances, but I think that if you only have one child, or if you don't have any children, you worry about your friends, your family, and the citizens within your districts and their families.

Under the description he talked about, about

a young man 14 years of age going into a home and being shot by a man who was 72 years of age. I think the parallel was rather unique. There are many young teenagers, as we are well aware of today, that are mischievous, who do commit criminal acts. They must be controlled. That is a complex problem that deals with our family life. It deals with our system of government. It deals with our police forces, and the resources we give to our police forces to deal with such.

Under the current law, that elderly gentleman will be able to defend himself in a court of law under the current statutes. That elderly gentleman may use "if threatened with deadly force." I think this is very, very significant.

This is under Title 17A, Section 107, Subsection B. "A person may use deadly force only when he reasonably believes that such deadly force is necessary, to defend himself, or a third person from what he reasonably believes to be imminent use of deadly force, or to affect a law arrest, or prevent the escape from such arrest of a person who in fact, has committed a crime involving the use of, or threatened use of deadly force, or use a deadly weapon in attempting to escape."

So in other words, this elderly gentleman, under the current statutes that we have today, would be justified in using deadly force, if he was even threatened by an individual who was going to use a knife. That, I believe, in any court of law, would reasonably state that if someone walks in with a ski-mask and a long knife, that is a threatened use of deadly force, and he's at your front door, not out in your yard somewhere, he is at your front door, in your home.

Therefore, I think that we, when deliberating, must recognize, even though this is not brought out in all of the debates that we've had thus far, the fact that the law in fact finding would see that the elderly gentleman, in defending himself against deadly force, would be justified.

This is the current law in the State of Maine. This is the current law that has been handed down to us, in principle, for over several thousand years.

So what I think we ought to do is right now, say what is the problem, what is the crux of this problem? The crux is the law has lost its credibility in defending a citizen against the use of vandalism, or possible, deadly force against himself.

Secondly, it is a question of balance of this legislative Body to determine whether or not life has more value than property.

I think that one of the most important points that have been brought out in recent weeks, and certainly at our hearings, was the fact that rural areas and urban areas alike do not have the resources to combat the problem. We do not have a sufficient deterrent in our rural communities, because of cutbacks in services to sheriffs' departments, and cutbacks in services in other areas where there's been an expansion in a rural area.

Many of the people who came to our hearings and who have written in favor of this Bill, are justified in saying, do us a favor, help us out, let's resolve this problem.

But this is as much a financial, a social, an economic problem with regards to our communities. We all know that fiscal needs are tight. We all know that we're not going to put those extra rural patrols out in the rural communities. This is a political, as well as a sociological, as well as a criminological problem.

I think Senator Devoe, when he spoke, as he usually does, rationally trying to hit the matter at its core, stated that we have seen the anti-gun controllers and the pro-gun controllers react emotionally to this issue. If you're reading every major newspaper in the country, and I've read three or four today and yesterday just to see what the reaction would be, as well as our own local newspapers, the editorials and

the facts, they're saying, you can see the anti-gun controllers saying: "let's remove all weaponry from society. Let's disarm America."

It is not a right, a Constitutional Right to carry guns in our society, even though the Constitutional Provision was decided when we only had a limited militia, and there was no police force, and there was no army."

Secondly, we have on the other hand, the pro-gunners, who want to say: "Let's arm ourselves even more. Let's go down to the Maremont Corporation in Saco, take out our 20 millimeter Gatling guns, our M-16 machine guns, and give it to every person in the streets, because that's the only way you're going to be able to protect yourself. You're going to have a progression of armament in this society that's going to be unprecedented. You're going to have people being shot in our streets, innocent people, because of reasonable people afraid to protect themselves, afraid that they're going to be harmed, or the children, are going to shoot someone because the law is going to say: "you have a license to do so, when you reasonably believe that it is okay."

What is the solution? My suggestion would be, number one, to say: Let's not react to heinous crime that was perpetrated against the President of the United States, but think back to when John Kennedy was killed, when Martin Luther King was killed, when all of our other citizens were killed, and to think, is it going to stop if we pass this legislation? No, it is not going to stop.

I think the only solution here is that we have to say we are reasonable men and women, and that we must pass a public policy that reflects the needs of our communities and reflects the general reaction of our communities to the extremes. We have on both extremes the pro-gunners and the anti-gunners asking for unreasonable solutions to a very difficult and complex problem. The truth of the matter is, other deliberative bodies before us have found the legislative solution, but it just hasn't worked in our Judicial System, who does not mete out the proper penalties. You do need stiffer laws. You do need to keep criminals in incarcerated situations who are going to go out and kill people or hurt people. you do need to have an Executive Branch that does provide for more law enforcement officials in our rural communities, and our cities, to protect the people, but we have to pay for it. I say we should pay for it with dollars and cents, not in the lives of innocent victims.

I realize the debate may go on, and rather than to carry it on any further, I do believe that Senator Hichens, in supporting this Amendment, did not explain to you the judge, jury, and executioner component of that Subsection A. I think Senator Devoe, the Honorable Senator from Penobscot, did indicate in Title 17A, Section 104, Subsections 5 and 4, "where it is absolutely applicable, and absolutely law-abiding for a citizen to defend himself against deadly force under the current law. You may use the amount of force necessary to protect yourself. If you reasonably believe that that person's going to kill you, you have the right, even if they threaten you, you have the right to use deadly force against them."

I think this is the crux of it all. I have not, since the beginning of this debate in our committee, I have not heard one iota of evidence presented that says that we do not have that current right under current law.

I would say that this Body should defeat this measure, and support the Ought Not to Pass Report. Thank you.

The PRESIDENT pro tem: The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, I, too, listened to the broadcast on the radio coming up this morning. I, too, watched the events unfold on Monday, when our President and three of his

aides were shot down.

For me, this issue, I decided, listening to the debate in the other Body the other day, could become a very emotional issue. I come from a rural area. I hear people talk to me about we need to do something to protect our property. We need, the system isn't working. The good Senator from York, Senator Kerry, has already pointed out that the Judicial System, the Political System, to protect our citizen, to protect their property, is not working. We need to do something about that.

We do need to do something about this, but this is the wrong thing to be doing. Anybody who will support this Bill, I would like very much, and I'm very serious, to have them tell the Maine Senate this morning, what piece of property, in their home today, what piece of property that they stand to lose from their home today, is worth a human life.

I am amazed back in January. I was watching TV. I heard a man on TV. He was being questioned before a committee of the Congress of the United States. He was talking about war. He talked about the armed conflicts in Southeast Asia. He talked about the armed conflict and the guerilla insurgency, counter-insurgency taking place in El Salvador. It really struck me as to how romantic that sounded, how romantic all those words about armed conflict, and this country was created out of an armed conflict, and today we're talking about deadly force.

We're talking about killing, shooting, putting a knife through somebody. We're talking about blood. We're talking about guts. We're talking about gore. That's the name of the game. How many of you people, in this Senate today, have come upon a dog or an animal that's been struck by a car, or been wounded, or come upon an accident where there have been people hurt, and you said, my God, isn't that terrible? Cars can be so dangerous, or something to that effect.

What you're talking about is, you're talking about telling our citizens that it's all right for them to do to somebody in their homes, what was done to Jim Brady in front of all Americans last Monday. I was amazed. I was absolutely amazed last Monday, to listen to some of the comments of the people who watched that and as to how calm they reacted, as that man's blood went down a storm drain.

That's what you're talking about. You're not talking about deadly force, some romantic notion of protecting one's home. As the good Senator from York, Senator Kerry, has already pointed out, you have the right now, right this minute you have the authority to use force to protect yourself, to protect your home. What you're talking about, as pointed out in debate yesterday in the other body, you're talking about blowing them away. That's the term that they used in Viet Nam.

I was convinced the other day, watching and listening to the comments surrounding the events in Washington, that there aren't enough people in this country who have ever had blood on their hands. It's not a very pretty sight. It's not a very nice sight, I'll tell you. If you think that you're doing something positive, that you're doing something good for that homeowner, whose TV might be going out the window, if you think that you're doing something good for the people like the 72 year old man that was mentioned already in debate, if you think you're doing something good for him, let me assure you, that whether or not he feels that he did the right thing, he will carry this day to his grave.

So keep that in mind when you vote. I hope that somebody, I hope that the people that support this Bill can tell me, what piece of property it is, in their home, that they are willing to point a gun at a man or woman and pull the trigger, and destroy that human life. I've heard human life debates in this Senate. I've heard pro-life debates in this Senate from the same

people who this morning will now vote to tell people out there that it's alright to arm yourself, because our system doesn't work, so we're going to throw up our hands, and we're going to tell you that it's time that you reasonably believe that somebody is about to cause mischief in your home, that you can blow them away, and then call somebody else to come clean your home, and clean up the mess. Because that's what we're talking about. That's exactly what we're talking about.

I hope that you will keep that in mind, and Mr. President, I would request that when the vote is taken, it is taken by the Yeas and Nays.

The PRESIDENT pro tem: The Chair recognizes the Senator from Washington, Senator Brown.

Senator BROWN: Thank you, Mr. President. Men and Women of the Senate, I'll be very brief in my comments. I don't have a great deal, I think, to add perhaps to what's already been said. I represent one of the most rural areas of the State, Washington County. I just want to go on Record in terms of testifying as to the frustration that does exist with the rural homeowners, the rural campowners, for those people who mindlessly break into camps and senselessly steal whether it's tractors, or whatever.

Many of the people, I'm sure, in Washington County would very much expect me to vote in favor of passing this Bill, but for all the reasons that have been previously mentioned, I can not support this measure either.

I agree very much with the Senators Devoe, and Conley, and Kerry, and lastly, Carpenter, that we can't place enough value on a human life to think about threatening that life in an instance where there was a robbery, or whatever.

I, too, urge that you defeat this Bill.

The PRESIDENT pro tem: The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President, Ladies and Gentlemen of the Senate, I think the good Senator from Aroostook, Senator Carpenter, probably doesn't realize what we already have on the books as far as property rights protection. This Bill has nothing to do with somebody coming into your home and stealing a TV. You already have that on the books under Section 104 of the Criminal Code. You already can protect your property inside your dwelling place. That was a bill passed three or four years ago here. So if somebody does come into your home, you can protect it. You can protect your family inside your home.

This Bill didn't have anything to do with your property rights inside your dwelling place. That's already on the books.

I would pose a question to the good Senators that oppose this Bill in the committee hearing, as to what effort they did make, under the Ought Not to Pass Report, in solving any of the problems that we have out there, but how much effort was put into it to solve anything? You can't solve much with an Ought Not to Pass Report in here.

Now somebody did make an attempt to solve the problem and whether they went too far or not, that is up to each individual. I think that if this Senate wanted to do something that they could Accept the Ought to Pass Report today and then try to amend the Bill to try to make it more compatible to everyone.

Now it is nice to say that all we have to do is put more money out there, hire a few more policemen. That would be great if we could have a policeman on every street, and about 6 or 8 on every police force in every small town. Of course in the winter time getting around to the camps, and all of that, they would have a lot of fun.

There us a problem out there and I would ask the Senate to go against the Ought Not to Pass Report, today, and let this Bill go to its Second Reading and see if we can't amend it to, at least, do something to help the people.

The PRESIDENT pro tem: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate: First let me say that I trust the intelligence of the people of the State of Maine, who own any type of gun, to apply reason and logic when somebody is trespassing on their abode.

It has been brought out very clearly, in debate, that our rural areas are not well covered, and the criminal element in our State is very cognizant of this. We have had many, many episodes where good family people who mind their own business have been done in by some individual who is just looking for items to satisfy their materialistic needs.

Yes, we do have laws on the Books, and those laws are there to be adhered to, but apparently our Judicial System leaves a great deal to be desired, in so far as implementing them to their fullest capacity.

Yes, this is a very emotional issue, but I think our people in the State of Maine, deserve this type of consideration, at least, if nothing else, to put that criminal element on notice that they can not continue robbing, stealing, and killing our citizens. If nothing else, if it accomplishes that purpose it has gone a long ways.

We can talk about the existing law going back to when Maine became a State, but in those days was not our Constitution based upon religious convictions and values? Do we have the same moral and religious values today, in this materialistic society?

From what I have heard so far and all the killings that have materialized in this great State of Maine, I think that people have lost sight, that the only way to do the right thing is to go out and get a job and do as the other people who have acquired these items, not have them taken away from them.

In a recent publication, which came from my church of the Diocese of Portland, it brought out the point which has been discussed somewhat here today, and that effect is to place a higher value on property and material possessions, than on human life. How about the human lives of elderly people, or even younger people have been lost in this State who did not have a weapon to self protect themselves. What about their families, who have been literally destroyed, because some kook goes in and does somebody in. There was a recent example, I think, in the town of Yarmouth, where an elderly lady was killed. Are we condoning killing for materialistic gain to satisfy one's desires? I do not really believe that we should.

There have been many, many examples, in the State of Maine, and the answer to it is not throwing dollars to increase the so-called rural patrols, that is a political solution. In my own County of Androscoggin, we had several communities that do not have any type of patrol at all, and they do rely upon Sheriff's Department to periodically, if political conditions are right, and we have deputy sheriffs to patrol those areas. They have no protection, they do not have lights at night guarding their home, in some areas, for God sake, they do not have telephones to give a warning to their friends and neighbors that they are in serious peril of their life because of some people staking them out.

I really believe, Mr. President, and Members of the Senate, that this particular piece of legislation that we have before us, may not be the total answer to the very serious problem, whether it is in our Judicial System, our Political System, but it is a step in the direction that will be of some significant value, to let it be known to the decent people of the State of Maine that we do care. I assure you, as I said in the beginning, these people will not act emotionally or impulsively and go out with their so-called magnum gun and start shooting up everything in sight, that is not the case in point.

Let me also say that I fall in the middle between Senator Kerry and Senator Conley, Senator Kerry says that he has 3 children, and Senator Conley has a dozen or more. I am in the area of 6, and the indoctrination that I have given my children is to respect your neighbors and your friends. If you find things hard, consult with your family first, do not go out and do injury to your neighbor and that is all that we are asking in this particular piece of legislation today, to respect your fellow man and your neighbor. I think that that would go a long ways in solving some of the problems that we have. I think that some would be criminals this particular measure would be some type of a deterrent to them before they act impulsively in trying to get somebody else's property very quickly.

The PRESIDENT pro tem: The Chair recognizes the Senator from York, Senator Kerry.

Senator KERRY: Yes, Mr. President, I rise the second time only to answer the query from Senator Shute. The very first thing, I think that it is important that the full Body of the Senate realize that many of us on the committee did receive many communications from citizenry.

I would have to say in my case, most of my constituents favor this legislation. In other words, there was political pressure on me to pass this legislation to allow citizens to use deadly force for protection of other aspects of their property.

Secondly, though aside from the political consideration that it may work against one Senator or other Senators who have a rural constituency where this would be favorably disposed of, I do believe that 99 percent of the people that I spoke with and wrote back to, did not know that they were allowed to use deadly force under the current law. This eliminated 99 percent of their concerns. That is the first point. They did not realize, they thought that they had to say stop, look, and listen and then get shot before they could do anything. That is not the case in the law.

Secondly, it was very much important to them, that it was in the current law that they could use deadly force to protect their homes and property in it, and the people inside their dwelling places.

From a Judicial point of view I wrote to and spoke with many people on the courts and individuals involved with the courts. Essentially what this comes down to, since I have always been opposed to mandatory sentencing in most cases for any crime, the bottom line on this particular bill, was that this is absolutely a mandatory sentence of death for anyone who steals property when it is reasonably believed by a person who is obviously going to be emotionally charged in the middle of the night, under the circumstances of fear of death themselves, I would say that it would be an extraordinary human being who could get up in the middle of the night, or at any time fearful of their own life and make an unbiased subjective decision. That was the second point. Most every single judge or attorney that I spoke with who deal with these cases, prosecutors and defenders, said that this would be unwise to pass.

Thirdly, speaking with county sheriff's and the people on the county level, and the State Police on the State level, although many of them agree that there has to be an increase in police protection and allocations to the police forces, they said, even the ones who favored this Bill, said yes there are going to be innocent people killed. That is what they said, most of them opposed it absolutely, but even the ones who said yes, I favor this Bill, said that there was going to be innocent persons killed.

I would not as a matter of public policy endorse that type of thinking.

Finally the people, the chief of police in my areas, and constables, and individuals involved in law enforcement on the municipal level, all agreed that they are frustrated because of tax

caps, cut back in local allocations for municipal services for the police force, and they said even though it is the case, none of them agree that this is the solution. Their solution is to have the appropriate law enforcement agencies handle this situation rationally and people who are educated and trained to do this, not to have vigilante justice in the homes of individuals. Thank you.

The PRESIDENT pro tem: The Chair recognizes the Senator from York, Senator Wood.

Senator WOOD: Mr. President and Members of the Senate: It is for the reasons that Senator Minkowsky mentioned that I am going to take the opposing point of view and vote against this Bill, just as he is going to vote for it, obviously, because in his arguments he said are we going to condone killing for materialistic desires? By passing this Bill we are condoning killing for materialistic desires, for the desire of the individual, for the material possessions to allow them to kill if they are afraid of those materialistic possessions are going to be lost.

The good Senator mentioned, and I hesitate to mention religion in this aspect, but I think that since he brought it up, I too will bring it up. The religion that I was brought up in presumed that a certain amount of forgiveness, presumed that we were all redeemable, and presumed that we should turn the cheek. It is for those reasons I will not vote for this Bill. I think that we have to get away from this vigilante mentality and let a little love and gentleness flow across this land and maybe we will solve our problems.

The PRESIDENT pro tem: The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Mr. President and Ladies and Gentlemen of the Senate: I rise today speaking also from a rural area and feel that I am not unusual in this aspect because the State of Maine is indeed a rural area.

We have increased our sheriff's force, our deputy sheriff's our rural patrols in every way that we know how including the financial area. They have all been increased, and to little effect.

I think that the people on both sides of this would use the extremes to pose their problems and to express their examples. I think that we have done this today very explicitly with speaking of the blood, and speaking of whose and what life.

My rural people would like for me today to speak for their life, and their limb and I guess that they would also like for me today to say that they would like to be armed with something other than a law book and a list of court records which to them offers them no avail in the middle of the night.

The PRESIDENT pro tem: Is the Senate ready for the question?

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 order a Roll Call, please rise and remain standing until counted.

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

The pending question before the Senate is the motion by the Senator from Penobscot, Senator Devoe, that the Senate Accept the Majority Ought Not to Pass Report of the Committee.

A Yes vote will be in favor of accepting the Majority Ought Not to Pass Report.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Brown, Bustin, Carpenter, Charette, Clark, Collins, Conley, Devoe, Emerson, Gill, Huber, Kerry, McBreairty, Najarian, Pierce, Pray, Sewall, C.; Sutton, Trafton, Trotzky, Violette, Wood.

NAY — Ault, Dutremble, Hichens, Minkowsky, O'Leary, Perkins, Shute, Teague, Usher.
ABSENT — Redmond, The President - J. Sewall.

A Roll Call was had.

22 Senators having voted in the affirmative and 9 Senators voting in the negative, with 2 Senators being absent, the motion to Accept the Majority Ought Not to Pass Report in non-concurrence, does prevail.

Sent down for concurrence.

Senate

The following Ought Not to Pass report shall be placed in the Legislative files without further action pursuant to Rule 22 of the Joint Rules:

Bill, "An Act to Remove the Length of Limit on Ice Fishing Catch." (S. P. 371) (L. D. 1113)

Leave to Withdraw

Senator BROWN for the Committee on Aging, Retirement and Veterans on, Bill, "An Act Concerning Retirement of Personnel at the Maine Correctional Center and the Maine Youth Center." (S. P. 393) (L. D. 1186)

Reported that the same be granted Leave to Withdraw.

Senator BROWN for the Committee on Aging, Retirement and Veterans on, Bill, "An Act to Increase the Minimum Retirement Allowance under the State Retirement Law." (S. P. 395) (L. D. 1188)

Reported that the same be granted Leave to Withdraw.

Senator BROWN for the Committee on Aging, Retirement and Veterans on, Bill, "An Act Relating to the Definition of Teacher under the Maine State Retirement System." (S. P. 423) (L. D. 1244)

Reported that the same be granted Leave to Withdraw.

Senator HICHENS for the Committee on Fisheries and Wildlife on, Bill, "An Act to Allow a Single Permit for Hunting Animal Predators." (S. P. 410) (L. D. 1214)

Reported that the same be granted Leave to Withdraw.

Which Reports were Read and Accepted.

Sent down for concurrence.

Ought to Pass — As Amended

Senator McBREAIRTY for the Committee on Energy and Natural Resources on, RESOLVE, Authorizing the Bureau of Public Lands to Convey the State's Interest in a Certain Parcel of Land in Dixmont. (S. P. 290) (L. D. 816)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S. 87)

Which Report was Read and Accepted and the Resolve Read Once. Committee Amendment "A" was Read and Adopted and the Resolve, as amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Education on, Bill, "An Act Authorizing Mid-State Business School to Confer Associate Degrees." (S. P. 208) (L. D. 573)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S. 88)

Signed:

Senators:

PIERCE of Kennebec

CLARK of Cumberland

Representatives:

CONNOLLY of Portland

GOWEN of Standish

ROLDE of York

LOCKE of Sebec

BROWN of Livermore Falls

MATTHEWS of Caribou

THOMPSON of South Portland

BROWN of Gorham

THERIAULT of Fort Kent

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

Signed:

Senator:

TROTZKY of Penobscot

(Representative MURPHY of Kennebunk — Abstained)

Which Reports were Read.

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

Senator TRAFTON: Mr. President, I move the Majority Ought to Pass Report of the Committee.

The PRESIDENT pro tem: The Chair recognizes the Senator from Penobscot, Senator Troitzky.

Senator TROTZKY: Mr. President and Members of the Senate, looking at the Committee on Education it was a 11 to 1 vote in favor of allowing Mid-State Business School to confer Associate Degrees in Applied Science.

This is a business school which trains people in the accounting field, secretarial field, business field. It is located in Lewiston/Auburn and the process whereby an institution of higher education is allowed to grant degrees operates in the following way. First a visiting committee that went down to look at the school consisted of 5 members; the Academic Dean of the Maine Maritime Academy, the Librarian from Husson College, the Vice-president for Finance and Administration from the University of Maine at Farmington, the Director of the Division of Liberal Arts at Thomas College and a lady from the Maine Employment Security Commission.

After evaluating the school, their recommendation was this the visitation committee via a unanimous vote recommended that Mid-State Business School not be granted the authority to award the Associate Applied Science Degree at this time. It was the unanimous vote of the visitation committee.

Then the Commissioner takes a look at the recommendations by the visitation committee and presents the recommendations to the State Board. The State Board then acted and voted, it was moved by Miss Adams, and seconded by Mr. Talbert, and voted 3 to 2, 3 in favor of granting Mid-State the ability to grant degrees, and 2 opposed. It was a very close vote. The Chairman did not vote. I asked the Chairman of the State Board of Education at the work session how she would have voted if she would have been allowed to vote? She said that she would have voted against giving Mid-State the ability to grant degrees. There were 2 vacancies on the Board, and 1 was absent.

The issue here basically is one of maintaining standards for higher educational institutions in the State of Maine. Maintaining academic excellence, and not devaluing associate degrees. Mid-State, if not allowed to grant these degrees now can apply again, a year from now for another visitation committee to come in and take a look and see if they are up to those standards.

My job here on the Senate Floor is not to go over the report, there is a report which criticizes. It says that it is a good school, but yet it doesn't measure up to certain standards compared to other business schools in the State, in term of the fact that it has different criteria, faculty, curriculum and so on.

Anyway I feel an obligation as Chairman of the Committee, and my respect for the process, and I feel that the key thing here is the unanimous vote of the visitation committee, of respected people in higher education, that they at this time not be allowed to grant those degrees. Even though I am in the minority a very very small minority here, I would hope that the Senate would go along and oppose the acceptance of the Ought to Pass Report of the Committee.

The PRESIDENT pro tem: The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President and Members of the Senate: This Bill among all the issues that we have to deal with here in the Legislature may not seem to be a particularly important one and I guess that we have to put it in perspective, but I would submit to you that to an institution called "Mid-State Business School" and more importantly to the many students who are there now and who will be there, it is a very, very important issue. I think I ought to at least tell you a little bit about the genesis about my involvement with the legislation, and why I am a co-sponsor of it. When I was first visited by administration officials and asked if I would consider co-sponsoring it, I explained to them that there was a process through which they had to go, some of which has been outlined by the Chairman of the Committee, Senator Troitzky. If they did not receive a favorable recommendation from the Board of Education that I would not try to circumvent that body, because I felt they are the ones that should recommend to us what should be done. They understood that and they understood why until we heard from the State Board I would not be a co-sponsor of the Legislation.

Sometime later they returned and reported to me that they had another visit from the State Board, and that that group had now voted to recommend to the Department or the Legislature that this degree be granted.

I think it is very important that they have gone through a very, very long and detailed process to arrive at this point.

Whether or not, you know, votes are 3-2, or 4-3, or 10 to nothing, has absolutely nothing to do with anything. That is just like saying that you do not win a ball game if it is 10-9 you only win if it is 10 - nothing. Or you do not get elected to this Body unless you have 75 percent of the vote, it is no good if you have 51 percent of the vote. I would say that either they recommended this to us or they didn't. Very clearly they did.

If you might ask yourself and many of you are not aware what Mid-State Business School is, if you look at the catalogue it tells you, it is a 2 year business school dedicated to serving its community and surrounding communities by encouraging the student to become a highly trained and skilled member of society. Stress is placed on employability through comprehensive study, internship programs, and developing an understanding of the business environment as it is today.

That is what the catalogue says, but I guess it is more than that to me, there is a little bit of a sense of *deja vu* here, it seems to me that I have almost been there before, in that, I spent several years at an institution not too different from Mid-State Business School, Thomas College in Waterville. It started not very many years ago, it was in a second floor room over the five and dime store. Then in the 1950's, moved to a new campus that is presently the Maine Justice Academy. Then in the 1970's, moved to a brand new campus down on the West River Road where it is today. So I know what it is for a small school to struggle, constantly bucking the tides, and I think that I know these students and I know them very well, they are very similar to the students at Mid-State to students at Thomas College. In fact, many students from Mid-State in the past have transferred.

I do not claim that Mid-State Business School is a Harvard, or a Yale, or any other of the Ivy League Colleges nor does it pretend to be. Thank goodness that education is made up of many different types of institutions serving different but important purposes.

So I ask myself is the school served well if we grant them this authority to give this degree, it obviously, I think that it will be served well and enhance their image and will make it more at-

tractive to attend the school. Then you have to ask, is the student body served well, well obviously this increases their options, it gives them more prestige and a greater reward for their work. Finally and most important, you have to ask is the public served well, and this was a very, very important question to me, and I interviewed and talked with many many people from administration, faculty, students, and even those who I call the competition of this particular school. I think probably the answer to that question is in the proof of the product that they turn out, the young men and women whom they graduate, or who transfer to another school or who go on to work. I think their reputation within the communities of Lewiston, Augusta and all of central Maine speaks for themselves. To me the Mid-State Business School has worked long and hard, and favorably completed this process, the necessary process that they must go through. Today I think they deserve the authority that they seek, and the simple question that we have to face is did Mid-State Business School meet the standards and criteria set forth by the State for this degree. I would submit that the answer is clearly Yes. I would also submit that everyone involved will be well served if we grant them this authority and I for one will feel very very good about it. I would hope that most of the rest of you would feel as good about it, also. Thank you.

The PRESIDENT Pro Tem: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate, back in 1967, I went through a similar evaluation for accreditation of a school and that school was known as Bliss Business College at that time. Bliss was in existence in the city of Lewiston since the year 1897. I recall that Senator Katz at that time was Chairman of the Education Committee and a report similar to what the good Senator from Penobscot, Senator Trotzky, brought forth assessed this college in the same category as Mid-Maine Business School. We fought very diligently during that segment of time and I was joined by then Senator MacLeod in a problem that he was having with the Beal Business School. We overturned 2 almost unanimous committee reports to allow both of those institutions, number 1 to use the term College legally in their name, which they had never had, and secondly to allow them to grant the Associate Degree in Science which this particular amendment of the Bill requests.

Beals is still in existence and doing quite well I understand, but unfortunately Bliss College like many other colleges in the State of Maine and throughout the nation went under.

The calibre and quality of people that they produced during the segment of time that they were in business based upon their skills, their curriculum was really worthwhile.

I feel strongly about letting an institution such as Mid-Maine be given the opportunity to grant the Associate Degree in Science. I feel strongly for one particular reason, my daughter-in-law graduated from Mid-Maine about 2 years ago, and I asked her specifically did you feel that you got your money's worth, out of the institution. Did they have an intensified curriculum? What was the calibre of instructors? Overwhelmingly to each one of those questions she said that they were super, that was the term that she used today. She then went on to the University of Southern Maine and is graduating next month. The background that she got at Mid-Maine was really the catalyst that spiraled her on to the University of Southern Maine.

I am very proud of the institution that we have in Senatorial District number 12, because I do recall that it used to be known as "the Auburn Maine School of Commerce." I assure you that you will not be making a mistake by endorsing this institution, to be allowed to

grant the Associate Degree in Science. In fact, you're doing the State of Maine a favor, and not only the communities who utilize those particular services. I can assure you they're extremely beneficial to our people.

(Off Record Remarks)

The PRESIDENT Pro Tem: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Thank you, Mr. President. Mr. President, Men and Women of the Senate, you will note that I joined with the other members of my Committee on Education in signing out this Bill before us with an Ought to Pass Report.

To suggest that during the hearing process, and deliberations which followed, did not result in some reservations about my position on this measure, would be to suggest that they didn't exist. I did, initially, have strong reservations about the advisability of reporting this Bill Out Ought to Pass.

Many of my students at Freeport High School go to Mid-State Business School in Auburn. I am familiar with its predecessor, the Auburn Maine School of Commerce, for indeed, at one time in my earlier years, I was a student there. My students, whom I contacted individually, without exception, endorsed the program, and the quality of the instruction that occurred at Mid-State.

Mid-State Business School is a tiny business school located in a rural setting in Auburn, Maine. Many of its faculty do not have the academic criteria or initials following their names that we may see in a catalog from some of our more prestigious institutions of post-secondary learning in this State. Their dedication and commitment to quality education and training in business is without peer.

Mid-State should receive a favorable approval from this Body this day. An Associate Degree in Applied Science will lend the credibility and the status in standing to the graduates of that school. A basis of comparison would be that Beal's College, which is no better, Andover Institute of Business, Casco Bay College in Portland, all have been granted approval by the State Legislatures to award associate degrees.

I have sponsored bills in earlier Sessions, which would allow two other business institutions in this State to grant masters degrees in Business. Those two institutions are Thomas College and Husson College. At one time in the history of both of those colleges, they started as Mid-State, the same size, the same little rural setting, or second story setting in the more urban parts of the State. They have flourished as private institutions, meeting the needs and the desires of students, and Maine students in particular across the State.

Many of my students at Freeport High School go to Mid-State, because it is located in Auburn, and because it allows them to seek post-secondary education, because they can not afford to travel to Portland, Waterville, Machias, Bangor, or any of the many campuses of the University of Maine. They are proud of their school. They are proud of their diplomas. It would facilitate their standing and status, and yes, lend credibility to that diploma if that institution were allowed to award an Associate Degree of Applied Science.

Many of the graduates of Mid-State go on to four-year institutions. In those four-year institutions, their contribution is significant, and their academic success is of particular note. For most of them, by far the vast majority of them, become honor students at Thomas, at Husson, and within the University of Maine system.

Yes, I did have reservations. Yes, I do wish that the visitation committee had recommended that they be granted the right to confer an

associate's degree. The fact of the matter remains that upon scrutiny and examination, the State Board of Education did recommend. I would underscore the remarks of the Senator from Kennebec, Senator Pierce, in that regard. I invite you to join with the majority of the Committee on Education in supporting the pending motion of Ought to Pass.

The PRESIDENT Pro Tem: Is the Senate ready for the question?

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Mr. President, Men and Women of the Senate, Mid-State Business School does indeed have a campus in Auburn. That is their largest campus, with approximately 130 students. It also, since 1977, has had a campus in Augusta, with approximately 50 full-time students, and an additional 20 part-time students.

I do not stand here today, however, to support this Bill merely because it has an Auburn campus. Before I agreed to sponsor this Bill, I visited the campus in Auburn. I talked with faculty. I visited classes. I talked with students. I talked with employers in my area, who had first hand experience with the products of this school. I became convinced that they were, indeed, deserving of the Associate Degree in Applied Science.

Since that time, the recommendation of the State Board of Education has been received, which is favorable to their petition.

I won't cover many of the points that have already been so expertly raised, but I would ask you, in voting for this today, to think of a statement that the Commissioner made recently when he was dedicating the school in Auburn. He said: "By their works shall they be known." I think the Mid-State Business School, by its works, has earned the Degree in Applied Sciences.

90 percent of their students are placed every year. At the hearing, employers from both Lewiston/Auburn, and Augusta came forth to speak about the excellent quality of those placements. Those students who seek to go on to a four-year school have not only been granted admission to schools such as Thomas College, but they have excelled in their studies at these colleges, often placing in the very top percentage of their classes.

What does this Bill mean in practical terms to those students who are currently in process, trying to get their degree? It means a few things. First of all, it means increased self-esteem, that their two-year program is indeed worth an associate degree.

Second, it can mean financial aid. Currently, the school is having some problems in transferring the method of computing a diploma granting program into some of their requirements for various financial aid programs from the Veteran's, the Social Security, and other financial aid programs.

Third, it can mean transfer to another college and acceptance of those programs that were pursued at Mid-State Business College. Currently, although many of the courses are allowed in transferring, there is always the question of whether in fact, they will be used as credits toward an advanced degree.

Finally, a crucial point that was raised by the Senator from Cumberland, Senator Nancy Clark, for many individuals in our area, and in the greater Augusta area, the existence of this program, the existence of an Associate Degree in Applied Science may spell the only educational opportunity available for people, because they simply can't afford to go to a four-year college, or to a two-year college at which they would have to board.

I hope you will support the Majority Ought to Pass Report.

The PRESIDENT Pro Tem: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President, and Members of the Senate, the Senator from Androscoggin, Senator Trafton, is right. The school is placing students in the business community. There's no question about that.

There's a basic issue here. The issue is not what does the Bill mean to students at Mid-State, to self-esteem, to prestige of the school, to how the school serves the student body, facilitate standing, award credibility to diplomas and all. The issue here is does the school itself measure up to certain standards. A visitation committee, which was not subject to political pressures, unanimously said no. A State Board of Education was split. If the Chairman could have voted, it would have been 3 to 3. There is question here.

I'd like to read a letter I received from one of the people on the visitation committee, Dr. Richard Willis, who's Director of the Division of Liberal Arts at Thomas College, which Senator Pierce was associated with. He was on the visitation committee. He said: "I urge you in your committee to compare Mid-State with the institutions with which it wishes the Legislature to consider it comparable, the two-year colleges such as Beal, Andover, and Casco Bay. Leave aside the two-year programs at Husson and Thomas.

I made that comparison in terms of faculty status, of curriculum design, and delivery, and found that Mid-State did not measure up to the competition by a number of criteria described in the written report. It seems to me that the other institutions have passed the threshold that Mid-State had not reached. Their passage has been recognized and publicly certified by the State's award of degree-granting authority.

It follows that to extend such authority to Mid-State would be to devalue the currency of associate degrees, through lowering the standards by which they are granted and valued, do a disservice to higher education in general in Maine. Mid-State is a fine place in some ways, but it also is significantly unlike a degree-granting college in some ways.

In terms of formal qualifications, for example, its faculty is much more akin to that of a high school than that of a college." In other words, the students may be going on and being placed in jobs in the business world.

The real issue here, if you're trying to maintain academic standards, which is what I feel we should be maintaining is that Mid-State should not be granted, through the legislative process right now, the ability to grant degrees. This doesn't mean they can't come back a year from now, two years from now, and ask for another visitation to see if they've made up some of the areas where they're weak.

Anyway, I won't say anymore, but I do feel strongly that when a visitation committee unanimously recommends that degree-granting authority not be granted, and the State Board is so evenly split, and the reasons are given here in the report, which took me a long time to read on the Senate floor, I feel the Legislature should vote against this Bill.

The PRESIDENT Pro Tem: The Chair will order a Division.

The pending motion is the motion by the Senator from Androscoggin, Senator Trafton, that the Senate Accept the Majority Ought to Pass, as amended, Report of the Committee.

Will all those Senators in favor of Accepting the Majority Ought to Pass, as amended, Report of the Committee, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

20 Senators having voted in the affirmative, and 1 Senator having voted in the negative, the motion to Accept the Majority Ought to Pass, as amended, Report of the Committee does prevail.

The Bill Read Once. Committee Amendment "A" was Read and Adopted. The Bill, as amended, Tomorrow Assigned for Second

Reading.

Divided Report

The Majority of the Committee on Labor on, Bill, An Act Removing the Union Security Provision in the University of Maine Labor Relations Act and Prohibiting Certain Conditions of Employment. (S. P. 42) (L. D. 43)

Reported that the same Ought Not to Pass.

Signed:

Senator:

DUTREMBLE of York

Representatives:

BEAULIEU of Portland
MARTIN of Brunswick
BAKER OF Portland
LAVERRIERE of Biddeford
HAYDEN of Durham
TUTTLE of Sanford
McHENRY of Madawaska

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Sensors:

SEWALL of Lincoln
SUTTON of Oxford

Representatives:

FOSTER of Ellsworth
LEWIS of Auburn
LEIGHTON of Harrison

Which Reports were Read.

The PRESIDENT Pro Tem: The Chair recognizes the Senator from Lincoln, Senator Sewall.

Senator SEWALL: Thank you, Mr. President. I move that the Senate Accept the Minority Ought to Pass Report.

The PRESIDENT Pro Tem: The Senator from Lincoln, Senator Sewall, moves that the Senate Accept the Minority Ought to Pass Report of the Committee.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, I request a Division.

The PRESIDENT Pro Tem: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Lincoln, Senator Sewall, that the Senate Accept the Minority Ought to Pass Report of the Committee, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

The Chair recognizes the Senator from Lincoln, Senator Sewall.

Senator SEWALL: I request a Roll Call.

The PRESIDENT Pro Tem: 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 pending question before the Senate is the motion by the Senator from Lincoln, Senator Sewall, that the Senate Accept the Minority Ought to Pass Report of the Committee.

A Yes vote will be in favor of Accepting the Minority Ought to Pass Report of the Committee.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Ault, Collins, Devoe, Emerson, Gill, Hichens, Huber, McBairty, Perkins, Pierce, Redmond, Sewall, C.; Sutton, Teague, Trotzky, The President, J. Sewall.

NAY—Brown, Bustin, Carpenter, Charette, Clark, Conley, Dutremble, Kerry, Minkowsky, Najarian, O'Leary, Pray, Shute, Trafton, Usher, Violette, Wood.

A Roll Call was had.

16 Senators having voted in the affirmative and 17 Senators in the negative, the motion to Accept the Minority Ought to Pass Report of the Committee does not prevail.

The Majority Ought Not to Pass Report of the Committee was Accepted.

Sent down for concurrence.

Second Readers

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

House

Bill, "An Act to Require State Bond Issues to Include all Interest Involved." (H. P. 195) (L. D. 242)

Bill, "An Act to Allocate Moneys for the Administrative Expenses of the State Lottery Commission for the Fiscal Years Ending June 30, 1982 and June 30, 1983." (Emergency) (H. P. 339) (L. D. 387)

Bill, "An Act Concerning Foreign Trade Zones." (Emergency) (H. P. 789) (L. D. 943)

Bill, "An Act to Authorize Joint Custody Orders as Part of Divorce Judgments." (H. P. 844) (L. D. 1010)

Bill, "An Act to Authorize in Proceedings before the Public Utilities Commission the Appearance by an Officer or Employee of a Corporation or Partnership." (H. P. 528) (L. D. 594)

Which were Read a Second Time and Passed to be Engrossed, in concurrence.

Bill, "An Act to Update and Revise the Validation Defects Act." (H. P. 876) (L. D. 1045)

Which was Read a Second Time.

The PRESIDENT Pro Tem: The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I present Senate Amendment "A" (S-90) to L. D. 1045 and move its adoption.

The PRESIDENT Pro Tem: The Senator from Kennebec, Senator Pierce now offers Senate Amendment "A" (S-90) to L. D. 1045 and moves its adoption.

Senate Amendment "A" (S-90) was Read and Adopted. The Bill, as amended, was Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

House — As Amended

Bill, "An Act Relating to the Per Diem and Case Assignments for the State Board of Arbitration and Conciliation." (H. P. 280) (L. D. 310)

Bill, "An Act to Provide Compensation and Benefits Agreed to by the State and Council #74, American Federation of State, County and Municipal Employees for Employees in the Institutional Services Bargaining Unit." (Emergency) (H. P. 617) (L. D. 700)

Bill, "An Act to Allocate Moneys for the Administrative Expenses of the Bureau of Alcoholic Beverages, Department of Finance and Administration and the State Liquor Commission for the Fiscal Years Ending June 30, 1982 and June 30, 1983." (Emergency) (H. P. 340) (L. D. 388)

Bill, "An Act Concerning the Posting of the Agenda for Meetings of County Commissioners." (H. P. 433) (L. D. 480)

Bill, "An Act to Enable Municipal Governments to Set Speed Limits within Their own Jurisdictions." (H. P. 383) (L. D. 426)

Which were Read a Second Time and Passed to be Engrossed, as amended, in concurrence.

Bill, "An Act to Create an Environmental Health Program." (Emergency) (H. P. 804) (L. D. 914)

Which was Read a Second Time.

On motion by Senator Minkowsky of Androscoggin, Tabled for 1 Legislative Day, pending Passage to be Engrossed.

Senate — As Amended

Bill, "An Act to Require Disclosure of Re-

serves by Workers' Compensation Insurers." (S. P. 343) (L. D. 987)

Which was Read a Second Time and Passed to be Engrossed, as amended.

Sent down for concurrence.

Bill, "An Act to Revise the Public Drinking Law." (S. P. 66) (L. D. 93)

Which was Read a Second Time.

On motion by Senator Pierce of Kennebec, Tabled for 2 Legislative Days, pending Passage to be Engrossed.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

AN ACT Relating to Credit Disability Insurance Under the Consumer Credit Code. (H. P. 490) (L. D. 542)

AN ACT to Exempt Deeds of Distribution from the Real Estate Transfer Tax. (H. P. 334) (L. D. 373)

AN ACT to Amend the Group Life Insurance Law. (S. P. 190) (L. D. 514)

AN ACT to Amend the Group and Blanket Health Insurance Law. (S. P. 154) (L. D. 362)

Which were Passed to be Enacted and having been signed by the President were by the Secretary presented to the Governor for his approval.

Emergency

AN ACT Relating to Unemployment Compensation Benefits for Persons Receiving a Pension or Retirement Pay. (H. P. 354) (L. D. 402)

Emergency

AN ACT to Enable Eastern Maine Medical Center to File Articles of Incorporation under the Maine Nonprofit Corporation Act. (H. P. 650) (L. D. 755)

These being emergency measures and having received the affirmative votes of 29 members of the Senate, with No Senators having voted in the negative, were Passed to be Enacted and having been signed by the President, were by the Secretary presented to the Governor for his approval.

Orders of the Day

The PRESIDENT Pro Tem: The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, is the Senate in possession of L. D. 953?

The PRESIDENT Pro Tem: The Chair will answer in the affirmative, the Bill, "An Act to Amend the Purposes for Special Marine Resources Licenses to Include Educational Institutions." (H. P. 799) (L. D. 953) having been held at the request of a Senator.

On motion by Senator Pierce of Kennebec, the Senate voted to Reconsider its action whereby L. D. 953 was Passed to be Engrossed.

The PRESIDENT Pro Tem: The Senator has the floor.

Senator PIERCE: Mr. President, I now present Senate Amendment "A" (S-89) and move its adoption.

The PRESIDENT Pro Tem: The Senator from Kennebec, Senator Pierce now offers Senate Amendment "A" (S-89) and moves its adoption.

Senate Amendment "A" (S-89) was Read.

The PRESIDENT Pro Tem: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I wonder if the good Senator would please explain his Amendment.

The PRESIDENT Pro Tem: The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, once again, late at night, the Committee on Bills in the Second Reading has been burning the midnight oil putting out these many, many important amendments. This one, if you'll look under

filing number S-89, you'll see that we struck out the word "for" and inserted the proper word "from" in its place.

Senate Amendment "A" (S-89) was Adopted.

The Bill, as amended, was Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

On motion by Senator Pierce of Kennebec, Adjourned until 12:30 o'clock tomorrow afternoon.