

# 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 30, 1981

Senate called to order by the President.

Prayer by the Reverend R. William Sims of Saint Marks Episcopal Church in Augusta.

REVEREND SIMS: The Lord be with you, let us pray. Lord, we again thank You for this beautiful day in the great State of Maine. We ask for Your blessings over these many interested constituents, who are participating in the legislative process today. We thank You for the Senators of this State, and we ask for Your blessings on them during this session, and we ask for Your guidance, as they make many difficult decisions concerning the future of this State. In the name of Your Son, Jesus Christ, our Lord. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

On motion by Senator Collins of Knox, Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

**Second Reader**

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

**House**

Bill, "An Act to Extend the Deadline for the Enactment of Legislation Concerning Education Allocations Appropriations and Rates." (Emergency) (H. P. 1363) (L. D. 1548)

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

Sent forthwith to the Engrossing Department.

On motion by Senator Gill of Cumberland, Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

**Order**

An Expression of Legislative Sentiment recognizing:

Maine citizens who voluntarily give of themselves for enrichment and services in support of residents of our mental and correctional institutions. (S.P. 588) presented by Senator GILL of Cumberland (Cosponsors: Senator BUSTIN of Kennebec, Senator HICHENS of York and Representative PRESCOTT of Hampden).

Which was Read.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Gill.

Senator GILL: Mr. President, I'd like to call the attention to the Senate this morning that we have in our midst a number of dedicated people who volunteer their services at all of our institutions. If it wasn't for the care, the caring that they have, to provide service for these patients, and these clients of the Department of Mental Health and Corrections, there would be a lot lost. I wish that the Senate would show their gratitude to these people who have given their time and effort to the people within our institutions.

The PRESIDENT: The Chair would ask the Senate to rise and extend its greetings to this group of dedicated people.

Which was Passed.

Sent down forthwith for concurrence.

(Off Record Remarks)

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

Bill, "An Act to Prohibit Voter Registration on Election Day and the 7 Business Days next Prior to Election Day." (S. P. 155) (L. D. 363)

In the Senate, April 28, 1981, Passed to be Engrossed as amended by Committee Amendment "A" (S-132)

Comes from the House, Bill and Papers Indefinitely Postponed, in non-concurrence.

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

Senator COLLINS: 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 and Members of the Senate, this bill, or one extremely similar to it, was well debated earlier in the Session. It stands absolutely not a single ounce of chance of passage. I would, therefore, to expedite the Legislative Session, move to Recede and Concur.

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

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Cumberland, Senator Conley, to Recede and Concur with the House, 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 12 Senators having voted in the negative, the motion to Recede and Concur does prevail.

**Non-concurrent Matter**

Bill, "An Act Promoting the Availability of Health Care Services." (S. P. 303) (L. D. 847)

In the Senate, April 16, 1981, Passed to be Engrossed as amended by Committee Amendment "A" (S-105) as amended by Senate Amendment "A" (S-109) Thereto.

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" (S-105) as amended by House Amendment "A" (H-263) Thereto, in non-concurrence.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Gill.

Senator GILL: I move we Recede and Concur with the House.

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

On motion by Senator Pray of Penobscot, Tabled for 1 Legislative Day, pending the motion by the Senator from Cumberland, Senator Gill.

**Non-concurrent Matter**

Bill, "An Act to Deregulate the Bag Limit and Size Requirements of Striped Bass." (S. P. 369) (L. D. 1088)

In the House, April 21, 1981, Passed to be Enacted.

In the Senate, April 28, 1981, Failed of Enactment, in non-concurrence.

Comes from the House, that Body having Adhered.

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

Senator SHUTE: I move the Senate Recede and Concur.

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

The Chair recognizes the Senator from Washington, Senator Brown.

Senator BROWN: Mr. President, I request a Division on this, and would like to speak briefly to that.

The PRESIDENT: The Senator has the floor.

Senator BROWN: Ladies and Gentlemen, this issue has been discussed at length, and we're all tired of striped bass. The Bill is no better now than it was when we Indefinitely Postponed in this Body a few days ago. I'm

under no illusion, however, that the merit of this Bill is going to prevail. It's a bad Bill. It ought to be killed.

I would urge you to vote against this motion, and thus to continue to Indefinitely Postpone this. Thank you, Mr. President.

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

Senator SHUTE: I'd request a Roll Call, and would like to speak.

The PRESIDENT: The Senator has the floor.

Senator SHUTE: Mr. President, may I have the Committee Report Read. At the outset of this Bill, I had the Committee Report dispensed with in order to save some time, but time doesn't seem to matter too much here. I wonder if we might have the Committee Report Read.

Which Reports were Read

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 Waldo, Senator Shute, 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 opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

YEA—Ault, Bustin, Carpenter, Charette, Clark, Collins, Devoe, Dutremble, Emerson, Gill, Hichens, Kerry, McBreairey, O'Leary, Perkins, Pierce, Redmond, Shute, Sutton, Teague, Usher, Wood.

NAY—Brown, Conley, Huber, Minkowsky, Najarian, Pray, Trafton, Trotzky, Violette.

ABSENT—Sewall, C.

22 Senators having voted in the affirmative and 9 Senators in the negative, with 1 Senator being absent, the motion to Recede and Concur does prevail.

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

Senator KERRY: Mr. President, having voted on the prevailing side, I now move Reconsideration and I would urge you to vote against my motion.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Kerry that Senate Reconsider its action whereby it voted to Recede and Concur with the House.

Will all those Senators in favor of Reconsideration, please say "Yes".

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

A Viva Voce Vote being had, the motion to Reconsider does not prevail.

The Bill, having been signed by the President, was by the Secretary presented to the Governor for his approval.

**Orders**

Expressions of Legislative Sentiment recognizing:

Macee Turcotte, of Durham, who won 2nd place in the 33rd annual State spelling bee championship. (S. P. 587)

Presented by Senator CLARK of Cumberland (Cosponsor: Representative HAYDEN of Durham).

James D. Cassida of Troop No. 37 of Belfast, who recieved the high distinction of Eagle Scout on April 30, 1981. (S. P. 589)

Presented by Senator SHUTE of Waldo (Cosponsor: Representative DRINKWATER of Belfast).

Which were Read and Passed.

Sent down forthwith for concurrence.

The Committee on Energy and Natural Resources on, Bill, "An Act to Allow the Export of Wood from Public lands under Certain Circumstances." (Emergency) (H. P. 1359) (L. D. 1544)

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 Used Car Information Act." (H. P. 718) (L. D. 850)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 258)

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

Which Report was Read.  
On motion by Senator Perkins of Hancock, Tabled until later in today's session, pending Acceptance of the Committee Report.

The Committee on Education on, Bill, "An Act to Amend the Eligibility Age for Preschool Handicapped Children." (H. P. 453) (L. D. 500)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 256)

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

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

The Committee on Fisheries and Wildlife on, Bill, "An Act to Provide for a Closed Season on Black Bear from the First Monday Following Thanksgiving to September 1st." (H. P. 455) (L. D. 502)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 236)

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

Which Report was Read and Accepted, in concurrence, and the Bill Read Once. Committee Amendment "A" was Read and Adopted, in concurrence.

On motion by Senator Pray of Penobscot, Under Suspension of the Rules, the Bill given its Second Reading. The Bill, as amended, Passed to be Engrossed, in concurrence.

#### Divided Report

The Majority of the Committee on Education on, Bill, "An Act to Extend the National School Breakfast Program." (H. P. 791) (L. D. 945)

Reported that the same Ought Not to Pass.

Signed:  
Senators:

TROTZKY of Penobscot  
CLARK of Cumberland  
PIERCE of Kennebec

Representatives:

BROWN of Gorham  
MURPHY of Kennebec  
BROWN of Livermore Falls  
LOCKE of Sebec  
MATTHEWS of Caribou  
THOMPSON of South Portland  
ROLDE of York

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft under Same Title. (H. P. 1396) (L. D. 1567)

Signed:  
Representatives:  
CONNOLLY of Portland  
GOWEN of Standish

THERIAULT of Fort Kent  
Comes from the House, the Majority Ought Not to Pass Report Read and Accepted.  
Which Reports were Read.

The Majority Ought Not to Pass Report Accepted, in concurrence.

#### Divided Report

The Majority of the Committee on Education on, Bill, "An Act Concerning Gifted and Talented Education." (H. P. 837) (L. D. 1003)

Reported that the same Ought to Pass.

Signed:  
Senators:

TROTZKY of Penobscot  
CLARK of Cumberland  
PIERCE of Kennebec

Representatives:

CONNOLLY of Portland  
MURPHY of Kennebec  
ROLDE of York  
BROWN of Livermore Falls  
THERIAULT of Fort Kent  
LOCKE of Sebec  
MATTHEWS of Caribou  
GOWEN of Standish  
THOMPSON of South Portland

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

Signed:  
Representative:

BROWN of Gorham

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

Which Reports were Read.

The Majority Ought to Pass Report of the Committee Accepted, in concurrence. The Bill Read Once and Tomorrow Assigned for Second Reading.

#### Divided Report

Nine members of the Committee on Labor on, Bill, "An Act Providing Collective Bargaining Rights to Legislative Employees." (H. P. 323) (L. D. 384)

Reported in Report "A" that the same Ought to Pass as amended by Committee Amendment "A" (H. 251).

Signed:  
Senator:

DUTREMBLE of York

Representatives:

BEAULIEU of Portland  
TUTTLE of Sanford  
BAKER of Portland  
MARTIN of Brunswick  
MCHENRY of Madawaska  
HAYDEN of Durham  
FOSTER of Ellsworth  
LAVERRIERE of Biddeford

Three members of the same Committee on the same subject matter reported in Report "B" that the same Ought Not to Pass.

Signed:  
Senators:

SEWALL of Lincoln  
SUTTON of Oxford

Representative:

LEWIS of Auburn

One member of the same Committee on the same subject matter reported in Report "C" that the same Ought to Pass as amended by Committee Amendment "B" (H. 252)

Signed:  
Representative:

LEIGHTON of Harrison

Comes from the House, Bill and Papers, Indefinitely Postponed.

Which Reports were Read.

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

Senator SUTTON: Mr. President, I move the Senate Accept Report "C".

The PRESIDENT: The Senator from Oxford, Senator Sutton, now moves that the Senate Accept Report "C" of the Committee.  
The Chair recognizes the Senator from York,

Senator Dutremble.

Senator DUTREMBLE: First of all, I request a Division on that, and I hope that we Accept the Majority Ought to Pass Report of the Committee, which is Report "A".

All this does is allow Collective Bargaining Rights for legislative employees. You've heard all the arguments before, when we talked about the county employees. I'll just request a Division on this.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Mr. President, Ladies and Gentlemen of the Senate, having fought the Collective Bargaining Laws in defeat so many times already, I decided it was time to succumb to the will of the other party and some of the people of the State of Maine and say; okay, if that's what you want, fine, but let's do it in a democratic way and make it so that it is not mandatory and that is what Report "C" says.

The PRESIDENT: Will all those Senators in favor of the motion by the Senator from Oxford, Senator Sutton that the Senate Accept Report "C" of the Committee, please rise in their places to be counted.

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

Senator DUTREMBLE: I request a Roll Call.

The PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

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

The Chair recognizes the Senator from York, Senator Dutremble.

Senator DUTREMBLE: I want to remind the Senate that Report "C", is the Right-to-Work amendment. We have voted on these Right-to-Work amendments on bills in the past, and we've always rejected them. If you don't want to give the Legislative Employees Collective Bargaining, vote against the Bill. What we're doing right now, is we're giving, every person who works for the Legislature, these legislative employees, we could have as many bargaining units as there are employees. This would just cause complete chaos.

I hope that we will vote against this amendment, and Accept Report "A". Thank you.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Mr. President, Ladies and Gentlemen of the Senate. I would just like to remind the good Senator from York, Senator Dutremble, that that's the American way.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Oxford, Senator Sutton that the Senate Accept Report "C" of the Committee.

A Yes vote will be in favor of Accepting Report "C".

A No vote will be opposed.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President and Members of the Senate, I would just like to point out to the Senator from Oxford, Senator Sutton, if that's the American way, then his opponent would be serving here also.

The PRESIDENT: Is the Senate now ready for the question?

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

#### ROLL CALL

YEA — Ault, Collins, Devoe, Emerson, Gill, Hichens, Huber, McBreaity, Perkins, Pierce, Redmond, Sewall, C.; Shute, Sutton, Teague.

Trotzky, The President, J. Sewall.

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

ABSENT — None.

A Roll Call was had.

17 Senators having voted in the affirmative and 16 Senators in the negative, with No Senators being absent, the motion to Accept Report "C" of the Committee, in non-concurrence does prevail.

The Chair recognizes the Senator from Lincoln, Senator Sewall.

Senator SEWALL: Mr. President, having voted on the prevailing side, I move Reconsideration and I would urge you to vote against me.

The PRESIDENT: The pending question before the Senate is on the motion by the Senator from Lincoln, Senator Sewall, that the Senate Reconsider its action whereby it Accepted Report "C" of the Committee.

Will all those Senators in favor of Reconsideration, please say "Yes."

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

A Viva Voce Vote being had, the motion to Reconsider does not prevail.

The Bill Read Once. Committee Amendment "B" Read and Adopted, in non-concurrence. The Bill, as amended, Tomorrow Assigned for Second Reading.

(Off Record Remarks)

#### Divided Report

The Majority of the Committee on State Government on, Bill, "An Act to Revise the State Personnel System." (H. P. 687) (L. D. 801)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1395) (L. D. 1566)

Signed:

Senators:

AULT of Kennebec  
GILL of Cumberland  
VIOLETTE of Aroostook

Representatives:

KANY of Waterville  
DIAMOND of Bangor  
SMALL of Bath  
McGOWAN of Pittsfield  
MASTERTON of Cape Elizabeth  
PARADIS of Augusta  
LISNIK of Presque Isle  
WEBSTER of Farmington

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

Signed:

Representatives:

BELL of Paris  
DILLENBACK of Cumberland

Comes from the House, the Bill, in New Draft, Passed to be Engrossed as amended by House Amendment "B" (H-270).

Which Reports were Read.

On motion by Senator Collins of Knox, Tabled for 2 Legislative Days, pending Acceptance of Either Committee Report.

#### Divided Report

The Majority of the Committee on Aging, Retirement and Veterans on, Bill, "An Act Relating to Burial Expenses for Veterans." (H. P. 1104) (L. D. 1309)

Signed:

Senators:

TEAGUE of Somerset  
COLLINS of Knox  
BROWN of Washington

Representatives:

NELSON of Portland  
CROWLEY of Stockton Springs  
ARMSTRONG of Wilton  
PARADIS of Old Town  
STEVENSON of Unity

WALKER of Skowhegan

RICHARD of Madison

THERIAULT of Fort Kent

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

Signed:

Representatives:

PERRY of Mexico  
HICKEY of Augusta

Comes from the House, the Bill Passed to be Engrossed as amended by House Amendment "A" (H-268).

Which Reports were Read.

On motion by Senator Collins of Knox, Tabled until later in today's session, pending Acceptance of Either Committee Report.

#### Senate

##### Leave to Withdraw

Senator SUTTON for the Committee on Business Legislation on, Bill, "An Act Requiring the Registration of Professional Counselors in Independent Practice and the Certification of Certain Such Professional Counselors." (S. P. 518) (L. D. 1468)

Reported that the same be granted Leave to Withdraw.

Which Report was Read and Accepted.

Sent down for concurrence.

#### Divided Report

The Majority of the Committee on Agriculture on, Bill, "An Act Relating to the Licensing of Stables where Horses are Maintained for Hire." (S. P. 26) (L. D. 23)

Reported that the same Ought Not to Pass.

Signed:

Senators:

SHUTE of Waldo  
WOOD of York

Representatives:

MAHANY of Easton  
LISNIK of Presque Isle  
CALLAHAN of Mechanic Falls  
SHERBURNE of Dexter  
LOCKE of Sebec  
CONARY of Oakland  
NELSON of New Sweden  
SMITH of Island Falls  
McCOLLISTER of Canton

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as amended by Committee Amendment "A" (S-146).

Signed:

Senator:

HICHENS of York

(Representative MICHAEL of Auburn — Abstained)

Which Reports were Read.

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

Sent down for concurrence.

#### Second Readers

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

#### House

Bill, "An Act to Separate the Funding of Old System Teachers in the Maine State Retirement System." (H. P. 1145) (L. D. 1367)

Bill, "An Act Covering Cost-of-living Increases for Teachers." (H. P. 918) (L. D. 1089)

Bill, "An Act to Make Allocations from the Regulatory Fund, Public Utilities Commission, for the Fiscal Years Ending June 30, 1982 and June 30, 1983." (Emergency) (H. P. 1362) (L. D. 1547)

Bill, "An Act to Make More Equitable the Computation of the Spruce Budworm Pre-project Excise Tax." (Emergency) (H. P. 1265) (L. D. 1480)

Bill, "An Act to Simplify the Due Process Requirements of Special Education." (H. P. 14) (L. D. 8)

Bill, "An Act to Amend the Incorporation of the Town of Poland School District." (Emer-

gency) (H. P. 1118) (L. D. 1335)

Bill, "An Act to Permit Open Burning of Brush and Demolition Debris." (H. P. 975) (L. D. 1163)

Bill, "An Act Concerning Property Deposited with Museums and Historical Societies." (H. P. 926) (L. D. 1097)

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Hancock County for the Year 1981. (Emergency). (H. P. 1339) (L. D. 1570)

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the Year 1981. (Emergency) (H. P. 1398) (L. D. 1569)

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

Bill, "An Act to Regulate Entrance Fees Charged by Mobile Home Parks." (H. P. 779) (L. D. 924)

Which was Read a Second Time.

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

#### House — As Amended

Bill, "An Act Authorizing the Town of Lincolnville to Employ a Superintendent of Schools and Supervising Principal." (H. P. 167) (L. D. 191)

Bill, "An Act to Exempt State Mandated Revolving Fund Accounts at the Maine State Museum from the State Cost Allocation Program." (H. P. 867) (L. D. 1036)

Bill, "An Act to Authorize a School Nursing Health Coordinator in the Department of Education and Cultural Services." (H. P. 909) (L. D. 1075)

Bill, "An Act to Appropriate Funds to Upgrade Facilities of the Maine Center for the Blind." (H. P. 997) (L. D. 1196)

Bill, "An Act to Clarify and Amend the Investment Provisions of the Maine Insurance Code." (H. P. 343) (L. D. 391)

Bill, "An Act to Permit Persons who Register Voters on Election Day to Vote by Absentee Ballot." (H. P. 170) (L. D. 192)

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

Bill, "An Act to Appropriate Funds to Support Regional Rideshare Programs." (H. P. 1087) (L. D. 1296)

Which was Read a Second Time.

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

Senator PIERCE: Mr. President, Members of the Senate, I present Senate Amendment "A" under filing number S-148 and move its Adoption.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now offers Senate Amendment "A" (S-148) to L. D. 1296 and moves its Adoption.

Senate Amendment "A" (S-148) Read and Adopted. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

Bill, "An Act to Amend the Maine Consumer Credit Code to Increase the Availability of First Mortgage Residential Loan Funds." (H. P. 719) (L. D. 851)

Which was Read a Second Time.

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

Bill, "An Act to Amend the Maine Consumer Credit Code." (H. P. 394) (L. D. 437)

Which was Read a Second Time.

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

#### Senate

Bill, "An Act to Reduce the Length of the

Maine Legislative Session." (S. P. 436) (L. D. 1265)

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

Sent down for concurrence.

#### Senate — As Amended

Bill, "An Act to Clarify the Definition of Commercial Applicator in the Maine Pesticides Control Act of 1975." (S. P. 373) (L. D. 1115)

Which was Read a Second Time.

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

Bill, "An Act to Ensure Worker Access to Information Concerning Hazardous Substances in the Workplace." (S. P. 321) (L. D. 911)

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

Sent down for concurrence.

#### Enactors

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

AN ACT to Repeal the Prohibition Against Transfer of Birth Control Prescriptions between Pharmacies. (S. P. 391) (L. D. 1149)

AN ACT Concerning the List Price of Vehicles under the Excise Tax Laws." (H. P. 759) (L. D. 895)

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 to Provide Equality between Home Improvement Loans and Other Consumer Credit Loans. (H. P. 543) (L. D. 619)

This being an emergency measure and having received the affirmative votes of 28 members of the Senate, with No Senators having voted in the negative, was Passed to be Enacted and having been signed by the President, was by the Secretary presented to the Governor for his approval.

#### Orders of the Day

The President laid before the Senate the first Tabled and specially assigned matter:

HOUSE REPORTS — from the Committee on Labor — Bill, "An Act Providing Collective Bargaining Rights to Judicial Employees." (H. P. 823) (L. D. 979) Report "A" — Ought to Pass; Report "B" — Ought Not to Pass; Report "C" — Ought to Pass as Amended by Committee Amendment "A" (H-214)

Tabled—April 28, 1981 by Senator COLLINS of Knox.

Pending—Acceptance of A Report.

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

Senator CONLEY: A Point of Order, Mr. President.

The PRESIDENT: The Senator may state his Point of Order.

Senator CONLEY: Mr. President, is this Tabled Unassigned, or is this item before us.

I'd just as soon debate the matter today, Mr. President, but I think the calendar shows it as being on the Unassigned Table.

#### Senate at Ease

The Senate called to order by the President.

The PRESIDENT: The Chair would advise the Senator that there is an error in the printed journal, but that this bill, is in fact, assigned for today.

The Chair recognizes the Senator from Lincoln, Senator Sewall.

Senator SEWALL: Thank you, Mr. President, I move that we Accept Report "C" Ought to Pass, as amended by Committee Amendment "A".

The PRESIDENT: The Senator from Lin-

coln, Senator Sewall, moves that the Senate Accept the Report "C" Ought to Pass, as amended, Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I would request that when this vote is taken on this motion it be taken by the Yeas and Nays, and I would urge the Senate to vote against it.

The Bill presently is one very similar to bills that have been before us earlier dealing with county employees, and it gives judicial employees the right to bargain under the Collective Bargaining law.

Report "C" is what we consider, again, to be a Right-to-Work Amendment, and therefore is not acceptable.

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 Lincoln, Senator Sewall, that the Senate Accept Report "C" of the Committee.

Yes vote will be in favor of Accepting Report "C".

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, McBreaity, Perkins, Pierce, Redmond, Sewall, C.; Shute, Sutton, Teague, Trotzky, The President, J. Sewall.

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

ABSENT — None.

A Roll Call was had.

17 Senators having voted in the affirmative, and 16 Senators in the negative, with No Senators being absent, the motion to Accept Report "C" in non-concurrence, does prevail.

The Bill Read Once. Committee Amendment "A" Read and Adopted in non-concurrence. The Bill, as amended. Tomorrow Assigned for Second Reading.

The President laid before the Senate the second Tabled and specially assigned matter:

Bill, "An Act to Bring the Maine Traveler Information Services Act into Conformity with the United States Constitution." (S. P. 427) (L. D. 1249)

Tabled—April 28, by Senator PIERCE of Kennebec.

Pending—Passage to be Engrossed.

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

Senator PIERCE: Mr. President, I present Senate Amendment "B" to Committee Amendment "A" under filing number S-150 and move its Adoption.

The PRESIDENT: The Chair understands that the Senator from Kennebec, Senator Pierce, now moves that the Senate Suspend its Rules for the purposes of amending.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: I object.

The PRESIDENT: There is objection to Suspension of the Rules.

The rules are not suspended.

On motion by Senator Sutton of Oxford. Retabled until later in today's session.

The President laid before the Senate the third Tabled and specially assigned matter:

RESOLVE, to Reimburse John W. Churchill of Presque Isle for Property Loss Suffered by

John W. Churchill Because of Acts by a Ward of the State. (S. P. 543) (L. D. 1514)

Tabled — April 29, 1981 by Senator VIOLETTE of Aroostook.

Pending — Passage to be Engrossed.

#### (Senate at Ease)

The Senate called to Order by the President.

Which was Passed to be Engrossed.

Sent down for concurrence.

The President laid before the Senate the fourth Tabled and specially assigned matter:

Bill, "An Act to Reimburse Owners of Livestock, Poultry or Beehives which are Destroyed or Damaged by Dogs or Wild Animals." (S. P. 582) (L. D. 1558)

Tabled—April 29, 1981 by Senator COLLINS of Knox.

Pending—Passage to be Engrossed.

On motion by Senator Collins of Knox, Retabled until later in today's session.

The President laid before the Senate the fifth Tabled and specially assigned matter:

Bill, "An Act to Require Interagency Licensing of Residential Facilities and Programs for Children." (H. P. 232) (L. D. 269)

Tabled—April 29, 1981 by Senator PIERCE of Kennebec.

Pending—Passage to be Engrossed.

On motion by Senator GILL of Cumberland, the Senate voted to Suspend its Rules.

On motion by Senator Gill of Cumberland, the Senate voted to Reconsider its action whereby it Adopted Committee Amendment "A".

The PRESIDENT: The Chair understands that the Senator from Cumberland, Senator Gill, now offers Senate Amendment "A" to Committee Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-151) to Committee Amendment "A" Read.

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

Senator CONLEY: Mr. President, I was wondering if the good Senator from Cumberland, Senator Gill, could elaborate somewhat on this matter?

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Gill.

Senator GILL: Mr. President, Members of the Senate, all this does is, it is a technical amendment that puts the numbers in the right order in the Bill. We worked the Bill several times, and when we worked it, we didn't have it sectioned properly. It takes care of those improper orders, now.

Senate Amendment "A" to Committee Amendment "A" Adopted Committee Amendment "A", as amended, by Senate Amendment "A" Bill, Adopted, in non-concurrence. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

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

#### Papers from the House House Papers

Bill, "An Act to Amend the Charter of the North Yarmouth Water District." (H. P. 1046) (L. D. 1571)

Bill, "An Act Creating the North Berwick Water District." (Emergency) (H. P. 1407) (L. D. 1572)

Come from the House, referred to the Committee on Public Utilities and Ordered Printed.

Which were referred to the Committee on Public Utilities and Ordered printed in concurrence.

There being no objections all items previous-

ly acted upon were sent forthwith.

On motion by Senator Pierce of Kennebec, Recessed until 5:00 o'clock this afternoon.

#### Recess

#### After Recess

The Senate called to order by the President.

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

#### Papers from the House Committee Reports House

##### Leave to Withdraw

The Committee on Labor on, Bill, "An Act to Clarify the Spousal-leaving Provision of the Employment Security Law." (H. P. 501) (L. D. 552)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Labor on, Bill, "An Act to Amend the Voluntary Quit Provision of the Employment Security Law." (H. P. 727) (L. D. 859)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Agriculture on, Bill, "An Act to Provide for the Regulation and Licensure of Guard Dogs and their Trainers, Sellers and Handlers." (H. P. 468) (L. D. 537)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Relating to the State Valuation of the Town of Easton." (Emergency) (H. P. 688) (L. D. 802)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Business Legislation on, Bill, "An Act to Recover Certain Refund Values Retained under the Beverage Container Law." (H. P. 1382) (L. D. 1561)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Business Legislation on, Bill, "An Act Concerning Certificates of Contribution under the Maine Insurance Code." (H. P. 1267) (L. D. 1482)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

Which Reports were Read and Accepted, in concurrence.

#### Ought to Pass — As Amended

The Committee on Taxation on, Bill, "An Act to Eliminate the Length Restriction in the Definition of Camper Trailer under the Tax Laws." (H. P. 296) (L. D. 326)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-261)

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

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

#### Senate

##### Leave to Withdraw

Senator GILL for the Committee on Health and Institutional Services on,

Bill, "An Act to Amend the Maine Certificate of Need Act of 1978 with Respect to the Acquisition of Existing Health Care Facilities." (S. P. 241) (L. D. 696)

Reported that the same be granted Leave to Withdraw.

Senator SEWALL for the Committee on Labor on,

Bill, "An Act to Provide Workers and Communities with Reasonable Notice and Compensation upon Certain Plant Closings." (S. P. 282) (L. D. 790)

Reported that the same be granted Leave to Withdraw.

Senator EMERSON for the Committee on Transportation on,

Bill, "An Act Concerning Walks and Handrails on Railroad Bridges." (S. P. 220) (L. D. 607)

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 TEAGUE for the Committee on Aging, Retirement and Veterans on, Bill, "An Act to Raise Survivors' Benefits in the Maine State Retirement System." (S. P. 464) (L. D. 1320)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-152).

Senator TRAFTON for the Committee on Public Utilities on, Bill, "An Act to Make Changes in the Kennebec Water District Charter." (S. P. 207) (L. D. 572)

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

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

#### Enactor

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

An Act to Provide for a Closed Season on Black Bear from the First Monday Following Thanksgiving to September 1st. (H. P. 455) (L. D. 502)

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

Senator WOOD: Mr. President, a parliamentary inquiry. The Bill does not have an emergency on it, and I'm wondering why it was written as an emergency.

The PRESIDENT: The Senator is correct. LD 502 does not have an emergency preamble.

The Chair recognizes the Senator from York, Senator Wood.

Senator WOOD: I request a Roll Call.

The PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

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

The pending question before the Senate is Enactment of LD 502.

A Yes vote will be in favor of Enactment.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA — Ault, Brown, Bustin, Carpenter, Charette, Clark, Collins, Conley, Devoe, Dutremble, Emerson, Gill, Hichens, Huber, Kerry, McBreairey, Minkowsky, Najarian, O'Leary, Perkins, Pray, Redmond, Sewall, C.; Shute,

Sutton, Teague, Trafton, Trotzky, Usher, Violette, Wood.

NAY — None.

ABSENT — Pierce.

A Roll Call was had.

31 Senators having voted in the affirmative and No Senators in the negative, with 1 Senator being absent, LD 502 was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

#### Emergency

An Act to Permit the City of Bangor to Increase the Number of Members on the Bangor School Committee. (S. P. 366) (L. D. 1085)

This being an emergency measure and having received the affirmative votes of 31 Members of the Senate, with No Senators voting in the negative, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

#### Emergency

An Act to Establish the Open Season on Bear. (S. P. 52) (L. D. 61)

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

Senator HICHENS: Mr. President, I request a Roll Call.

The PRESIDENT: A Roll Call has been requested. Under the Constitution in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

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

The pending question before the Senate is Enactment of L. D. 61.

A Yes vote will be in favor of Enactment.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA — Brown, Carpenter, Charette, Clark, Collins, Dutremble, Emerson, Kerry, McBreairey, Minkowsky, Najarian, O'Leary, Perkins, Pray, Redmond, Sewall, C.; Shute, Sutton, Usher, Violette, Wood.

NAY — Ault, Bustin, Conley, Devoe, Gill, Hichens, Huber, Teague, Trafton, Trotzky.

ABSENT — Pierce.

Senator Bustin of Kennebec was granted permission to change her vote from Nay to Yea.

A Roll Call was had.

22 Senators having voted in the affirmative and 9 Senators in the negative, with 1 Senator being absent, the Bill was Passed to be Enacted.

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

Senator PRAY: Mr. President, having voted on the prevailing side, I move that the Senate Reconsider its action and I would urge that the Senate vote against my motion.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Pray that the Senate Reconsider its action whereby LD 61 was Passed to be Engrossed.

Will all those Senators in favor of Reconsideration, Please say "Yes."

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

A Viva Voce Vote being had, the motion to Reconsider does not prevail.

The Bill having been signed by the President, was by the Secretary presented to the Governor for his approval.

#### Emergency

AN ACT to Extend the Deadline for the Enactment of Legislation Concerning Education Allocations, Appropriations and Rates."

(Emergency) (H. P. 1363) (L. D. 1548)

This being an emergency measure and having received the affirmative votes of 30 Members of the Senate, with No Senators having voted in the negative, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

#### Orders of the Day

The President laid before the Senate:

HOUSE REPORT—from the Committee on Business Legislation—Bill, "An Act Relating to the Used Car Information Act." (H. P. 718) (L. D. 850); Ought to Pass as Amended by Committee Amendment "A" (H-258).

Tabled—Earlier in the Day by Senator PERKINS of Hancock.

Pending—Acceptance of Report.

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

Senator PERKINS: Every once in a while, after double sessions, long sessions and several committee meetings, we find ourselves with a Bill to present to the Legislature, which has very few redeeming factors, to redeem it, except for the sponsors, and I think that this Bill falls within that category.

These information sheets have been passed out by the sponsors and I have a great deal of respect for them.

With respect to some of the things that the Bill does. What the bill does, against what can be done now, the difference is very, very little. Therefore, it is my contention that here is another one of those Bills, that we pass on to the constituents in our communities, for which there is very little need, and for which by passing it we are just doing something to say that we passed it. It is something to address a problem which will always be a problem and that is the dissatisfaction of purchasers of used cars.

Just like the good Senator from Cumberland has stated in the past, a rose is a rose, is a rose. A used car will always be a used car, a used car, a used car.

There will always be some degree of dissatisfaction with some person who purchased a used car.

The information which this Bill proposes to give to the people is already available from the dealer. I, therefore, Mr. President, move the Indefinite Postponement of the Bill, and all its accompanying papers, and would ask for the Yeas and Nays.

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

Senator SUTTON: Mr. President, I believe a little explanation might be due from the Committee. This was a unanimous Committee Report. The amendment is the Bill. If you had looked at the original Bill, you would have found a document that is certainly everything that Senator Perkins described.

What the Committee finally did, after looking at the original Bill, which really did mandate quite a few new things, was to look at what was already in the law, and is required by statute, that is being given, by law, to the buyers now, but probably at a date about the time the consummation of the sale is made. The Committee agreed that it wouldn't be bad information to have up front, the exact information that is already required by law. That's what this Bill does. It takes what's in the statutes and says that it should be placed before the buyer, on the windshield of the car.

It also takes out of the statutes the requirement that the buyer be given the name of the former owner, and makes it optional that the dealer would be required to give it if requested, but it doesn't have to be posted, or listed in the agreement.

So I would suggest to the Senators that the Committee took what we thought could have been a much more horrendous effort to be made by the car dealer, and just tried to bring forward the information that's already re-

quired. I think the information given to you by Senator Clark outlines many of the things that we talked about and what we tried to accomplish in this Bill. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Mr. President and Members of the Senate: I'm very pleased that the Senator from Hancock, Senator Perkins, has acknowledged that the composition of the sponsorship on L. D. 850 does indeed have some redeeming features.

For today has been one of those days for me. My biggest mistake today was voting wrong on the striped bass bill. I thought we were talking about bear, and I was out in the hall talking about a bill that deals specifically with my Senatorial District. So, I blew it in that respect, and I hope I don't in this respect.

L. D. 850 amends the Used Car Information Act. This Used Car Information Act has been on Maine books, Maine statutes, since 1975. Under this existing law, used car dealers are required to make a few simple disclosures to would-be buyers, our constituents.

The problems with the existing law is that these disclosures are only required to be made before the purchase occurs. In practice, and I emphasize this point, in practice, what this means is that the buyer receives these disclosures in a pile of documents pushed in his or her direction, just as they are giving the dealer his or her check. That's what the problem is.

That's what L. D. 850, in its amended version, incorporated in Committee Amendment "A" under filing number H-253, purports to do. The purpose of the law, which is to improve the buyer's ability to shop for a used car, is totally frustrated if these disclosures are made after the buyer has made his or her purchase, or decision. All that L. D. 850 does, is require a dealer to put these disclosures on the used car, while it sits in a lot, instead of waiting to give them to the customer when the customer purchases the car.

Putting these disclosures on the car, as it sits on the lot, will merely ensure that used car shoppers, you and me, and our constituents, ensure, or receive, the disclosures that they are already entitled to get, at a point when those disclosures will be useful to the buyer in making a choice.

If L. D. 850 is not Enacted, then there will be no assurance in the law that existing disclosures will not, in fact, represent just another burdensome piece of paper. In that case, the Legislature really ought to be honest about it all, and repeal the existing law, whose purposes it refuses to allow to be fulfilled, and incorporate used cars where it should be, under the Uniform Commercial Code with an implied warranty of merchantability. Thank you, and I hope we defeat the pending motion.

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

Senator PERKINS: Mr. President, I have in my hands the mentioned Amendment, which I would like to just read some parts from. It deals with a written disclosure statement. "No dealer may sell, negotiate the sale of, offer for sale, or transfer any used motor vehicle, unless he affixes to the vehicle a conspicuous written statement containing the information required by Subsection 2."

It says: "The dealer's duty to promptly disclose the name and address of the previous owner of the motor vehicle, or dealer upon the request of any person, the principle use to which the motor vehicle was put by that owner, such as personal transportation, police car, daily rental car, taxi, or other descriptive term, and the type of sale, or other means by which the person acquired the motor vehicle, such as a trade-in, a sheriff's sale, repossession, auction, or other descriptive term, to the extent that such information is reasonably available to that person."

My contention is that this information is

readily available at this time. I think the problem lies, that it is an educational rather than a legislative problem. If people go to buy a car, and are willing to spend their money without asking for information pertaining to that car, then I don't think any degree of legislation, we may then have to force them to stand there for five minute period of time to actually read what is going to be stated on the windshield.

This may be the next step we'll want to take, because no amount of forcing, similar to forcing people to put their seat belts on. It's desirable, there's no question about it. It's a good thing to do, but I don't know how we're going to legislate them looking over this piece of paper, which is already available. Because it is only given at sale time, it's the buyer's fault. The buyer, this is available at any time prior to purchase. All the people have to do is request the information and they're required at this point to furnish it to them.

So the only change in the law is the requirement that it be posted on the windshield. So this is just another intrusion. If the law isn't working now, then maybe this, too, should be taken off the books, or maybe just a correction in the law to put teeth in it. I have no problem with that. I do have a problem of adding layer upon layer of layer of regulations to an industry that already has plenty of regulations to start with. I think this is one of the things that this Legislature and previous Legislatures have been accused of doing, to little avail.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Mr. President, Men and Women of the Senate, L. D. 850 is a direct response to the concerns or the complaints and calls to the Consumer's Division of the Office of Attorney General. Thirty-one percent of all complaints to that Division deal, or concern themselves, with automobiles. The information that is contained in the Amendment to L.D. 850, in essence, is the information that is available to Maine citizens upon request.

I am not suggesting that the remarks of the good Senator from Hancock, Senator Perkins, do not have merit. In that, Maine citizens, in great proportion, are not aware that this information is available to them. I do disagree rather strongly with his contention that they need to be force fed.

LD 850 simply allows that the information is available to them, available when they're shopping for a used car, when they're walking through the lot, as perhaps some of us have done. Picture yourself going on to an automobile dealer's lot. We look at the cars and walk around them. Do we stop today, on new cars, and look at the white posted sheets, which list items of interest, not to mention the least of these are costs, before we make decisions, does that influence our ultimate decision? I would suggest to you that, indeed, it does.

That information and related information, is not available to that large and increasingly large segment of Maine citizens, whose second greatest purchase is represented by the automobile, which is necessary for them to get to work, homes being their first.

The practice in the field is that the information is not being made available, one, because the dealers are not apprising their potential customers, that that information is available, and two, because our fellow citizens do not know that it is available. We can address both of those concerns efficiently and administratively feasibly, and at no cost to dealers. That is simply, post it. Then everybody is happy. It provides a choice. It also allows Maine citizens, customers, in one of Maine's industries, to make intelligent choices.

Yes, the disclosures the facts in LD 850 are thus. They are currently required under Title 10, M.R.S.A. Subsection 1475, make, model, model year, serial number. Big deal. Name and address of prior owner, under 850 that is available upon request. The principle use of the

vehicle, that is also being considered. That's a major deviation from the original Bill. That material is also available now. Any mechanical defect only known to the dealer, any damage, fire, water, collision. Would you like to know, if you're buying a used car, whether that was at the bottom of the quarry in Topsham, Maine, where they fished out two recently? And whether that kind of damage had been sustained? It's only to be posted if its known to the dealer.

The facts in LD 850 also require that a simple statement that implied warranties are disclaimed, if in fact, the dealer does disclaim them. Some of our most reputable, highly respectable used car dealers, in a public opinion poll, rate just above legislators, or perhaps it's the other way around.

This is an addition to existing disclosures, but it's almost so minor, and I'm referring to the implied warranty disclaimer, that it almost doesn't deserve mention here, really.

There should be no additional costs. LD 850 merely changes the time, the time, Members of the Senate, when the existing disclosure sheet is given to the shoppers, that's before the deal is culminated, not after. Before, when our Maine citizens have a choice. Would you deny them a choice to make an intelligent decision? Or will we subscribe continually to the great exchange of money on behalf of Maine citizens, for used cars, and to continually subscribe to the flow of complaints to our Consumer Fraud Division of the Department of the Attorney General.

Do we have a responsibility to all Maine citizens? It's only a little piece of paper. It's only before, not after.

The PRESIDENT: 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 ordering a Roll Call please rise and remain standing until counted.

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

The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Mr. President, I wish permission to pair my vote with the gentleman from Kennebec, Senator Pierce. If he were here he would be voting Yea and I would be voting Nay.

The PRESIDENT: The Senator from Oxford, Senator Sutton, Requests Leave of the Senate to pair his vote with the gentleman from Kennebec, Senator Pierce. If he were here, he would be voting Yea and the Senator from Oxford Senator Sutton, would be voting Nay.

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

It is a vote.

The pending question before the Senate is the motion by the Senator from Hancock, Senator Perkins, that LD 850 be Indefinitely Postponed.

A Yes vote will be in favor of Indefinite Postponement.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA — Collins, Devoe, Emerson, Gill, Hichens, Perkins, Redmond, Shute, Teague.

NAY — Brown, Bustin, Carpenter, Charette, Clark, Conley, Dutremble, Huber, Kerry, McBreaity, Minkowsky, Najarian, Pray, Sewall, C., Trafton, Trotzky, Usher, Violette, Wood.

ABSENT — Ault, O'Leary.

A Roll Call was had.

9 Senators having voted in the affirmative and 19 Senators in the negative, with 2 Senators Pairing their votes, and 2 Senators being absent, the motion to Indefinitely Postpone LD 850 does not prevail.

The Ought to Pass, as amended, Report of the Committee was Accepted, in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence. The Bill, as amended, Tomorrow Assigned for Second Reading.

The President laid before the Senate:

HOUSE REPORTS — From the Committee on Aging, Retirement and Veterans — Bill, "An Act Relating to Burial Expenses for Veterans." (H. P. 1104) (L. D. 1309) Majority Report Ought Not to Pass; Minority Report Ought to Pass.

Tabled—Earlier in the Day by Senator Collins of Knox.

Pending—Acceptance of Either Report.

On motion by Senator Teague of Somerset, Retabled for 1 Legislative Day.

The President laid before the Senate:

Bill, "An Act to Bring the Maine Traveler Information Services Act into Conformity with the United States Constitution." (S. P. 427) (L. D. 1249)

Tabled—Earlier in the Day by Senator Sutton of Oxford.

Pending—Passage to be Engrossed.

On motion by Senator Sutton of Oxford, Retabled for 1 Legislative Day.

The President laid before the Senate:

Bill, "An Act to Reimburse Owners of Livestock, Poultry or Beehives which are Destroyed or Damaged by Dogs or Wild Animals." (S. P. 582) (L. D. 1558)

Tabled—Earlier in the Day by Senator Collins of Knox.

Pending—Passage to be Engrossed.

On motion by Senator McBreaity of Aroostook, Retabled for 1 Legislative Day.

#### (Senate At Ease)

The Senate called to order by the President.

On motion by Senator Collins of Knox, Adjourned until 11 o'clock tomorrow morning.