

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Tenth
Legislature***

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

MAY 4, 1981 to JUNE 19, 1981

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STATE OF MAINE
One Hundred and Tenth Legislature
First Regular Session
JOURNAL OF THE SENATE
May 15, 1981
Senate called to order by the President.

Prayer by The Honorable Roland L. Sutton of South Paris, Assistant Moderator of National Association of Congregational Christian Churches.

SENATOR SUTTON: I bring greetings from over 400 churches and 100,000 members of the National Association of Congregational Christian Churches. Let us pray. We are mindful of the many varied ways by which you have brought us to this present hour and this pleasant place. Our daily duty needs your guidance, and Your care, that we may never be untrue to the trust placed in us. May head and hand unite to serve this State and its people, that serving them, we may ourselves to be agents of the eternal. Amen.

Reading of the Journal of yesterday.

**Paper from the House
Joint Resolution**

STATE OF MAINE

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

**JOINT RESOLUTION CONGRATULATING
THE EAGLETON INSTITUTE
OF POLITICS ON ITS TWENTY-FIFTH
ANNIVERSARY**

WHEREAS, the Eagleton Institute of Politics at Rutgers University has served State Legislatures throughout the United States continuously and successfully since 1956; and

WHEREAS, the Eagleton Institute of Politics has made specific and significant contributions to the improved effectiveness of the legislative institution at the state level in many American states; and

WHEREAS, the Eagleton Institute of Politics has, over three years, been of great assistance to the Maine Legislature; and

WHEREAS, the Eagleton Institute of Politics is celebrating its twenty-fifth anniversary in 1981; now, therefore, be it

RESOLVED: That We, the Members of the 110th Maine Legislature, congratulate the Eagleton Institute of Politics on the occasion of its twenty-five years of major contributions to the betterment of the American political and governmental system; and be it further

RESOLVED: That a suitable copy of this resolution be prepared and transmitted forthwith by the Secretary of State of the Eagleton Institute of Politics at Rutgers University. (H. P. 1481)

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

Communication
The White House
Washington
May 12, 1981

To the Members of the

Maine State Legislature:

I was delighted to receive the resolution adopted by the Legislature of the State of Maine. Knowing of your friendship encourages and helps me daily.
With best wishes,

Sincerely,
S/RONALD REAGAN

(H. P. 1480)

Which was Read and Ordered Placed on File.

Order

An Expression of Legislative Sentiment recognizing:

Deborah Ames of Winslow High School who

has been named Elks Teenager of the year by the Waterville Lodge #905 Benevolent Protective Order of Elks. (S. P. 610) presented by Senator PIERCE of Kennebec (Cosponsors: Senator SHUTE of Waldo, Senator TEAGUE of Somerset and Representative HUNTER of Benton).

Which was Read and Passed.
Sent down for concurrence.

**Committee Reports
House**

Ought to Pass

The Committee on Energy and Natural Resources on, RESOLVE, Authorizing the Transfer of Certain Lands in Webster Plantation to the Heirs of Horace White. (H. P. 1412) (L. D. 1574)

Reported that the same Ought to Pass.

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

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

Ought to Pass — As Amended

The Committee on Business Legislation on, Bill, "An Act Establishing the Bonding and Excess Insurance Requirements for Self-insuring Workers' Compensation Employers." (H. P. 834) (L. D. 1001)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-388).

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

The Committee on Education on, Bill, "An Act Concerning the Liability of Teachers and School Administrators Who Administer Medication to Children in Emergency Situations." (H. P. 1250) (L. D. 1474)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-372).

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

The Committee on Education on, Bill, "An Act to Amend Special Education Statutes for Support of Special Education Programs and Services Provided in Excess of the Normal School Year." (H. P. 910) (L. D. 1076)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-371).

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

The Committee on Education on, Bill, "An Act to Require the State to Pay its Share of School Funding on the First Day of Each Month." (H. P. 55) (L. D. 68)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-387).

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

The Committee on Education on, Bill, "An Act Relating to Boarding Cost Payments and Transportation Accounts for Secondary School Pupils in Remote Units under the Education Laws." (H. P. 818) (L. D. 972)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-386).

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

The Committee on Education on, Bill, "An Act Concerning Tuition Reimbursement to Private Schools." (H. P. 1002) (L. D. 1199)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-390).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amend-

ment "A".

The Committee on Energy and Natural Resources on, Bill, "An Act to Establish an Energy Conservation Program for Commercial and Light Industrial Buildings." (H. P. 1180) (L. D. 1404)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-391).

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

The Committee on Energy and Natural Resources on, Bill, "An Act to Establish Strict Penalties from Hazardous Waste Dumping and to Provide Specific Definitions of Hazardous Waste." (H. P. 1004) (L. D. 1238)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-385).

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

The Committee on Marine Resources on, Bill, "An Act Relating to the Lobster Advisory Council." (H. P. 1154) (L. D. 1375)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-374).

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

The Committee on State Government on, Bill, "An Act to Establish a Consolidated Map of the State." (H. P. 1158) (L. D. 1379)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-373).

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.

Ought to Pass in New Draft

The Committee on Public Utilities on, Bill, "An Act to Incorporate the Cobscook Bay Tidal Power District." (H. P. 1097) (L. D. 1304)

Reported that the same Ought to Pass in New Draft Under Same Title (H. P. 1467) (L. D. 1603).

Comes from the House, the Bill, in New Draft, Passed to be Engrossed.

Which Report was Read.

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

Divided Report

The Majority of the Committee on Election Laws on, Bill, "An Act Relating to Referendum Campaign Reports and Finances." (H. P. 959) (L. D. 1150)

Reported that the same Ought Not to Pass.

Signed:

Senators:

PIERCE of Kennebec
PRAY of Penobscot

Representatives:

BORDEAUX of Mount Desert
HANSON of Kennebunkport
WENTWORTH of Wells
CAHILL of Woolwich
WEYMOUTH of West Gardiner

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

Signed:

Senator:

CARPENTER of Aroostook

Representatives:

BENOIT of South Portland
DIAMOND of Bangor
ROBERTS of Buxton

NADEAU of Lewiston
BOISVERT of Lewiston

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

Which Reports were Read.

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

Senator PIERCE: Mr. President I now move the Majority Ought Not to Pass Report of the Committee be Accepted.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, moves that the Senate Accept the Majority Ought Not to Pass Report of the Committee.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President and Members of the Senate, I would urge the Senate to reject the motion that has been made to Accept the Majority Ought Not to Pass Report from the Committee on Election Laws.

I think the people of this State look at the election process as one dear and sacred to them. I think the Bill before us would reinstate the confidence in the citizens of this State that if we Enacted this Bill, we would know exactly where funds are coming from, with respect to any referendum going before the voters.

We all know that back a few years ago, when we had the Bottle Law Bill that went to referendum, accusations were being charged that the manufacturers from all over the country were sending funds in to the parties of interest in defeating this referendum. The accusations were made that large sums of money were sent here to defeat it.

The second thing was, during our last referendum dealing with the shut down on Maine Yankee, again, the ugly head was raised again, monies were being sent in from other parts of the country to defeat, or to make sure that this referendum wasn't defeated, or was defeated.

I believe that we all want to know exactly where the dollars and cents are coming from that promote any election. Therefore, I think that this Bill does make sense and would urge the Senate to reject the pending motion.

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

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, to add my comments to that of that of the good Senator from Cumberland, I think it's an issue of major concern to the people that I represent, that there is a great deal of money being spent on these public referendums. I think it's imperative that this kind of legislation be enacted, and that we find out where the money is coming from, and that we put a limit on how much we're going to allow some corporations to come in and influence our electorate.

I would request the vote 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 Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President and Members of the Senate: There seems to be some type of confusion here on this proposal. Under existing law at this time, the people of this State know where the money comes from on these referendums. As a matter of fact, if we remember back to the Nuclear Referendum and the Returnable Bottle Bill, which has already been mentioned in the debate, we knew very well before the actual vote was taken as to where the dollars were coming from. To address that issue, we already have it on the law.

The intent and the purpose of this Bill is to limit the amount of dollars that can be spent. I am on the Majority Ought Not to Pass Report. The reasons that I signed that Report that way is because I basically feel that on any particular issue of which an individual or a business has a direct interest in, should be allowed to spend what they may want to spend. As long as he has to report it, the people of this State will know who, and what, and why they those contributions are being made.

I have more faith in the Maine voters. They rejected the large amount of money being spent to encourage them to reject the Bottle Bill. The people of this State passed it overwhelmingly.

I think that the question of the amount of dollars that were spent in that campaign, or the amount of dollars spent on the Nuclear Referendum had nothing to do with the outcome. It gave some of the television stations around this State, some of the newspapers, and other forms of media, a great income. The people of the State of Maine know far better than what somebody's trying to sell them in a little package on a 60 second television commercial or less.

I think that we've got to give the people of this State a little bit more credibility than that. The reason that we don't need this Bill is, because people of this State have already made fine judgement in past issues, and they have not been influenced by the large amount of dollars being spent.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: I'm overwhelmed. I concur wholeheartedly with the good Senator from Penobscot in his evaluation of this particular Bill.

In addition to a huge influx of money into the State of Maine, which was so ably brought forth and subsidized our media, who are apparently in dire need of more revenues. It accomplishes one other purpose, that is, making the public totally informed relevant to both sides of the issue.

We all know how difficult it is in the State of Maine to get the voters out on a referendum question, or even out during primary or general elections. If this has to be the criteria, called money being utilized, to motivate the citizens in the State of Maine, to come forth and make a decision, then I believe we are on the right track.

I would concur wholeheartedly that the present law is very adequate. It accomplishes the purpose that it was designed to do. I think as time goes on, maybe some minor adjustments can come about to make it more beneficial to everybody concerned in the State of Maine.

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

Senator COLLINS: Mr. President, when the time comes that the Senator from Aroostook, Senator Carpenter, has the course in Constitutional Law, I'm sure that he will come to the First Amendment cases that deal with contributions to political campaigns. The courts have drawn the distinction between contributions to campaigns for the election of individuals, where the limits have been upheld, and contributions that are in the nature of free speech contributions, promoting a particular point of view in a referendum.

One of the most recent cases comes from the State of Florida, and advanced to federal courts. The State of Florida attempted the same thing that we are considering here, to restrict the size of contributions to political committees that were organized to support or oppose issues in referendum. In a very clear holding that came out only last year, the court struck down the Florida statute and said that it was clearly in violation of the First Amendment Rights of Free Speech.

In a similar way, the State of Massachusetts, in a case in 1978, Bank against Bellotti, struck down a Massachusetts statute that prohibited a corporation from making expenditures or contributions for publicity in a referendum election unrelated to that corporation's immediate business.

I think, that if we were to pass this statute, we would be passing annulity, that would soon be struck down in the courts. I submit that this type of infringement on freedom of speech in this country is not warranted.

The PRESIDENT: Is the Senate ready for the question?

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

A Yes vote will be in favor of the motion to Accept the Majority Ought Not 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, Huber, McBrearty, Minkowsky, O'Leary, Perkins, Pierce, Pray, Redmond, Sewall, C.; Shute, Sutton, Teague, Trotzky, Wood.

NAY — Brown, Bustin, Carpenter, Charette, Clark, Conley, Dutremble, Kerry, Najarian, Trafton, Violette.

ABSENT — Hichens, Usher.

A Roll Call was had.

19 Senators having voted in the affirmative and 11 Senators in the negative, with 2 Senators being absent, the motion to Accept the Majority Ought Not to Pass Report of the Committee, in non-concurrence, does prevail.

The President requested 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 served as President Pro-Tem.

The President then retired from the Senate Chamber.

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

Senator PIERCE: In regards to LD 1150, I move Reconsideration.

The PRESIDENT Pro Tem: The pending question before the Senate is the motion by the Senator from Kennebec, Senator Pierce, that the Senate Reconsider its action whereby it Accepted the Majority Ought Not to Pass Report 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.

Sent down for concurrence.

Senate

Leave to Withdraw

Senator TEAGUE for the Committee on Taxation on, Bill, "An Act to Provide Indexing for the State Income Tax." (S. P. 524) (L. D. 1454)

Reported that the same be granted Leave to Withdraw.

Which Report was Read and Accepted.

Sent down for concurrence.

Ought to Pass — As Amended

Senator WOOD for the Committee on Agriculture on, Bill, "An Act to Promote the Maine Potato Industry." (S. P. 517) (L. D. 1439)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-233).

Senator DEVOE for the Committee on Judiciary on, Bill, "An Act to Clarify a Sentencing

Disposition of Juvenile Offenders." (S. P. 93) (L. D. 209)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-235)

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

Second Readers

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

House

Bill, "An Act to Update and Clarify Legislation Concerning Agencies within or Affiliated with the Department of Business Regulation." (H. P. 1453) (L. D. 1597)

Bill, "An Act to Establish the Cost of the Maine Forestry District in Fiscal Year 1981-82. (Emergency)" (H. P. 1303) (L. D. 1500)

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

Bill, "An Act Concerning Maximum Limits Required under the Financial Responsibility Law." (H. P. 1455) (L. D. 1596)

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" under filing number S-236 and move its adoption.

The PRESIDENT Pro Tem: The Senator from Kennebec, Senator Pierce, offers Senate Amendment "A" and moves its adoption.

Senate Amendment "A" (S-236) Read and Adopted.

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

Sent down for concurrence.

House — As Amended

Bill, "An Act to Further Competition with New Hampshire in the Liquor Trade." (H. P. 382) (L. D. 425)

Bill, "An Act Amending the Statutes Relating to Restitution." (H. P. 1185) (L. D. 1409)

RESOLVE, Authorizing and Directing the Bureau of Public Lands to Convey a Perpetual Easement and Right-of-way in a Certain Parcel of Land in Augusta to Mobil Pipe Line Company, Subject to Certain Conditions." (H. P. 987) (L. D. 1175).

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

Bill, "An Act to Adopt Federal Withholding Requirements for Payments to Certain Nonresident Alien Individuals, Foreign Corporations and Partnerships." (H. P. 2) (L. D. 2)

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" under filing number S-237 and move its adoption.

The PRESIDENT Pro Tem: The Senator from Kennebec, Senator Pierce, offers Senate Amendment "A" and moves its adoption.

Senate Amendment "A" (S-237) Read and Adopted.

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

Sent down for concurrence.

Bill, "An Act to Coordinate Agriculture and Energy Related Activities in State Government." (H. P. 648) (L. D. 753)

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" under filing number S-

238 and move its adoption.

The PRESIDENT Pro Tem: The Senator from Kennebec, Senator Pierce, offers Senate Amendment "A" and moves its adoption.

Senate Amendment "A" (S-238) Read and Adopted.

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

Sent down for concurrence.

On motion by Senator Pierce of Kennebec, the Senate voted to Reconsider its action of earlier in today's session whereby the Bill, "An Act to Further Competition with New Hampshire in the Liquor Trade" (H. P. 382) (L. D. 425), was Passed to be Engrossed.

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

Bill, "An Act to Provide for the Limitations of Liability in Regard to Certain Insurance Inspections." (H. P. 631) (L. D. 712)

Which was Read a Second Time.

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

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

Senator PIERCE: Mr. President, I now present Senate amendment "B" to Committee Amendment "A" under filing number S-239 and move its adoption.

The PRESIDENT Pro Tem: The Senator from Kennebec, Senator Pierce, offers Senate Amendment "B" and moves its adoption.

Senate Amendment "B" to Committee Amendment "A" (S-239) Read and Adopted. Committee Amendment "A", as amended, by Senate Amendment "A" Adopted, in non-concurrence. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

Bill, "An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Law." (Emergency) (H. P. 1411) (L. D. 1576)

Which was Read a Second Time.

The PRESIDENT Pro Tem: The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, I now present Senate Amendment "B" to L. D. 1576, filing number of S-219 and move its adoption.

The PRESIDENT Pro Tem: The Senator from Aroostook, Senator Carpenter, presents Senate Amendment "B" and moves its adoption.

Senate Amendment "B" (S-219) Read.

The PRESIDENT Pro Tem: The Chair recognizes the Senator from Aroostook, Senator McBreaity.

Senator MCBREAIRTY: Mr. President, Honorable members of the Senate. I would urge you, strongly, not to Adopt this Amendment.

This item was kicked around in Committee, maybe as much or more than any other thing we reviewed, this license plate. We had a single plate in the Bill at one time. After receiving more information, we took it out.

We have checked with states that have gone to one plate, and some of them at least, are seriously considering, or in the process of going back to 2.

We got letters from every police organization in the country in opposition to going to a single plate. We got letters from international police organizations. They all tell that it's a very, very effective tool in law enforcement.

I wrote to Richard E. McLaughlin, Register of Motor Vehicles, Massachusetts, and asked his opinion on a single plate, and I'll read you the letter that I got back.

It says, "Dear Senator McBreaity, I am in receipt of your letter of February 20, 1981, in

which you request information relative to our assignment of 1 or 2 plates to each motor vehicle registered. The one plate issuance was adopted originally, because of financial reasons, and resulted in some savings in the cost of plate manufacture. However, because of the objections from law enforcement personnel, as well as the general public, we are anticipating our gradual return to the 2 plate system. Outlined below are the bases for objections of our one plate system.

Law enforcement personnel are unable to determine proper registration when the vehicle is approached. When the vehicle is parked against the wall or a building, police do not have the opportunity to determine, if it is a stolen car, without delay. Personnel controlling shopping areas are unable to identify a vehicle if it has been parked backed into a parking space. Parking lot attendants are unable to quickly retrieve a vehicle, because when they are stacked in a lot the registration number is difficult to ascertain.

I trust the above will be of some assistance to you in determining your plate program."

I don't feel eliminating one plate is as much a savings to the state as it is taking away something that we have bought. When we pay \$20 each year for registration, I think we are entitled to 2 plates. I think we're paying for it. If you take that plate away, it amounts to 7½ cents per year, from that \$20 dollars that you will be saving.

So, I would hope that this Amendment would not be accepted. I would ask for a Roll Call on the Acceptance.

The PRESIDENT Pro Tem: A Roll Call has been requested.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate. I realize this is Friday morning, and we all want to get out of here, but I've been waiting for the last three weeks, jumping up and down, waiting to get at this amendment.

I don't expect to win it. Every year I fight the issue. Every year I see the same arguments, the same hollow arguments, I think, and every year I lose. I fully expect to lose this morning, because this Bill has been lobbied so hard, second only, possible, to the No Smoking Bill.

I'm looking at Title 29. Title 29 tells me that in the State of Maine we have a 2 plate system, and I would say that that was hogwash, absolute unmitigated hogwash. We have a 1 plate system in Maine. We pay for 2. We have it on the statute books as 2, and because of that, we issue 2.

Now, I don't know if the saving is 7½ cents, but I know where the 7½ cents goes to, and the 7½ cents figures up to be \$104,000. Now, how many of you have bills on Senator Huber's Table that could be funded for \$104,000. Now, the day is going to come, and if you go out and take a look at my plates, you will see that hopefully the day will come soon, when we're going to be issued new plates. When we're issued new plates, we're talking about a half a million dollars.

Each and every one of us, during our campaign has talked about cutting government waste, the pious rhetoric. Now, here's the chance to simply bring the statutes in to conformity with reality. I dare you to go out and walk around that parking lot, out there this morning, and I'm sorry for the parking lot attendants who can't find the cars, because they're going to have to walk around behind them, if my Amendment passes, instead of looking at the front, but I don't think that's justification for spending \$104,000 of the State's money. I challenge you to go out to that parking lot right now, and don't look at Legislative Plates, because we all have big egos, we'd like to have 2 plates, but look at the State employees parking lot over there, and see how many cars out there say "Go to Coe", I'm

sorry, that's no longer valid in Augusta. It used to say "Go to Coe", probably still some of them kicking around. I saw a Driver Ed. car the other day that said, "McFarland Datsun" on it. I see "Billy Libby Chevrolet." I see, "Sherman Chevrolet." I see USA - 1." I see "Arrive Alive", that's Florida's plate. I see everything under the sun. I'm going to put one on the front that says "Mike Carpenter."

That's a fact of life. That's the law being enforced today.

Now, I received a very nice note from a good friend of mine in the State police the other day. Just wanted to let me know what they were doing about this and how many people that they had arrested, and how many people they had given warnings to. If I read the Statute correctly, there's no room for warnings. It says you shall have two plates. One affixed to the front. One affixed to the rear. Period. The infraction is a minimum of \$25.

Now, if anybody in the State Police, Public Safety Department is listening to me this morning, I don't want them to enforce the law, even if I lose, because it is an unnecessary burden on the people of the State of Maine.

The fact of the matter is it's not being enforced. Every year when I presented this Bill, my friend, Clyde LeClair, the Chief of Police of Falmouth, has come up and talked about back in ought three or whenever, they did happen to catch a bad guy fleeing the scene of the crime. When was the last time that you saw a State Police car or any police car, I don't want to blanket, blame the State Police for this whole issue, because it sure isn't their fault, when was the last time you saw a police car speeding down the road, with a trooper or a local policeman, blue lights going, and how many times have you seen them with pad in hand, taking down number plates as they go. That's what the police are telling you. They're going to catch the bad guy fleeing from the scene of the crime, by using that one plate.

When they go down the interstate, 30 miles, trying to get to a crime scene, they better be taking down numbers as they go, cause that's the only way it's going to work.

I served for a year and a half in the Military Police. I couldn't do it today, but back in those days, I could tell you a license plate in my rear view mirror. So, that is a phoney argument.

I hate to see the burden of this put on the police because they're not the ones that have been walking these hallways lobbying.

We received a very fancy, well documented, something or other from the Research Division of the International Association of Chiefs of Police the other day. Turn back a few pages and you'll find who really put it out. Published by the 3M Safety Systems Division, 3M Center, St. Paul, Minnesota. That's where the lobby effort has come from my friends. Make no mistake about it. This is their bread and butter, and I don't blame them from lobbying it. I'm not casting any aspersions toward anybody who's lobbying. The gentleman who is lobbying this Bill is a good friend of mine. It's his job, just like it is the job of everybody else to hire on to lobby for these bills.

What I'm saying is the issues that they are throwing up to you are phoney, phoney, phoney. If we're going to have a two plate system, for gosh sakes, let's enforce it.

I hope and pray that I don't get murdered by somebody from New Jersey, or Florida, or somebody who bought their car at "Bill Libby's Chevrolet," or somebody who has a "USA-1" or something else on the front of the plate, because then, apparently, the police are never going to catch them. That's what we're told by this issue. I hope that I never get murdered by someone who just decides to leave that front blank.

My original idea, the last three years I presented this Bill, I would have presented it again this year but I was told Performances and Audit was going to do it, that there was, until

just a couple of weeks ago, I want you to know, a lot of support in the Committee. Almost, I understand, a unanimous Committee Report in favor of one plate, until the Lobby started to do its work, and I want to know why it turned around.

My idea was to get our friend Peter Damborg of the Maine Publicity Bureau involved, and have them sell a promotional plate, optional. I would buy one in a second, that said, "Beautiful Maine," "Visit Maine," "Maine Vacationland." Something along those lines. I'm very proud of my state, and I would love to have something like that.

If you want to amend, and this would probably make 3M happy, I would even support a bill that mandated that you had to have that sort of plate put on the front. If we're interested in a front plate, then let's come up front and do it right. Maybe 3M would support that issue. Maybe they'd make more money selling that.

They sell their reflectorized material. That's where the opposition to this Bill is coming. It just really bothers me, this issue is here. We all run on a conservative platform. Here's a chance to save \$104,000, a half a million dollars that year, whenever it comes, when we're going to have to reissue plates, a half a million dollars.

I'm sure the Appropriations Committee would love to get their mits on a half a million dollars, and I'm sure there are programs and things that need to be done in this State that could be funded by a half a million dollars, a whole lot more beneficial than this.

The whole argument that's been used is the police need it. Well, if the police need it, let them enforce it.

Now, I assure you, and I would ask you to warn your constituents, if this issue fails this morning, probably, for the next few weeks, there's going to be strict enforcement of this law, but I'm telling you, if you don't have a plate on the front of your car that has Maine Vacationland and numbers or letters in the middle, you're illegal. There's no room for warning, as I read the statute. You are illegal, and you should be stopped and cited, minimum, minimum of \$25 dollars up to \$250. Thank you.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: The Audit and Program Review Committee did spend almost a full year on this particular issue, and we did form a subcommittee to investigate her further.

Let me make one point perfectly clear of the outset of this whole thing. The subcommittee, to the best of my knowledge, up until maybe 3 or 4 weeks ago, had no knowledge, or no input, from the 3M company.

I believe what Senator Carpenter is projecting, is nothing but a ploy, and I think it is totally unfair to use this type of strategy to try to prove his particular point.

I'm going to share with you this morning some of the highlights of why the subcommittee, in its wisdom, maintained this posture of retaining 2 plates in the State of Maine.

The most important single factor, when considering the one plate concept, that is overlooked, the factor is that the public at large who are served by law enforcement fail to recognize the advantages of having 2 plates. It is the public at large who suffer the consequences when law enforcement personnel are hindered in the identification of motor vehicles.

Another point. Some proponents, not necessarily today, but over the years that this issue has been before us, of the single plate system, claim that the single plate system do not reduce law enforcement efficiency, however, it should be obvious to anyone, that the removal of one plate, front or rear, automatically reduces positive identification of those vehicles by 50%. In reality, taking into consideration the

total needs of law enforcement to identify vehicles, their identification is reduced far more than 50%.

Let me state a few examples along that line. The first one. The early recovery rate of stolen vehicles in Maine is just about 70%. Upon being reported, a complete description of that vehicle, along with the registration number, is broadcast to all police agencies throughout the State of Maine. Often this vehicle is met by an officer on routine patrol, and a front plate is quickly recognized. Today, with the manufacture of so many small vehicles, I emphasize the point, so many small vehicles, it is difficult, at best, for the average person to distinguish one make from the other.

If that's not a good reason, than find another one as far as that argument is concerned.

To read a registration number through a rear view mirror, as a vehicle passes, is next to impossible, regardless of the person's 20/20 vision or excellent eyesight, as the good Senator from Aroostook claims he has in his particular remarks, it is far easier to read a registration number that is coming towards you, than one that is going away from you.

To lessen the chances of readily identifying stolen vehicles by removing one of the plates, serves only the interests of those who steal the vehicles, who steal the cars.

The second point. The victims of hit and run accidents, both operators and pedestrians, generally do not have the time or the opportunity to make observations of the registration number, however, there are many cases solved each year because either witnesses or the victims obtained the number from the front of the vehicle. The public is well orientated in the value of registration numbers.

An area of concern to many of us over the years has been illegal drug activity in the State of Maine. Let's address this briefly.

Illegal drug activity is not new to the State of Maine. To the contrary, the Maine coastline is a prime target for those persons involved in the importation of illegal drugs. Hundreds of vehicles are used by the people, and enforcement personnel are dependent, to a large degree, on the identification of these vehicles, by the registration number, or surveillance and location. The single plate only makes this task more difficult, and adds to the possibility of surveillance being exposed. I think that's a justifiable reason.

Now, I bring these points out for a very valid, constructive reason, members of the Senate. I haven't taken this thing lightly and neither have members of the Audit and Program Review Committee.

It is an extensive survey. There was an extensive survey released in April of 1979, by the International Association of Police Chiefs, and the good Senator from Aroostook, Senator McBreairey, alluded to this.

Now, if 1,673 law enforcement agencies were contacted through this survey, nationwide, regarding the one versus two plate system. Now, 93% of the departments stated that the 2 license plates best serve the needs of law enforcement. In the one plate system, 83% indicated they would be better served with the 2 plate systems.

The bottom line in this survey was that there was overwhelming support for the 2 plate system, and particularly in the states currently using one plate, of 41 states currently have a 2 plate system, as well as 11 of the 13 Canadian Provinces which come through the State of Maine during the summertime to enjoy our coastline, as well as our hospitality.

The good Senator from Aroostook, Senator McBreairey, spoke about his letter from Massachusetts, and I also have survey figures which I want to add for the Record, so there is no misapprehension that we're just doing this arbitrarily to gain support to retain the 2 plate system.

Massachusetts recently went to the one plate

system. In checking with Massachusetts registry concerning the impact, it was learned that the state will be returning to the 2 plate system, possibly in 1982, because of the problem involved in vehicle identification.

Now, approximately 800,000 motor vehicles are registered in this state in 1980. Records indicate that approximately one million other similar current type plates also have been issued. Where are they? If money is the issue, a much larger amount could be saved through the improvement of an issue and return requirements, by discounting 800,000 to 1,000,000 front plates that already have been paid for, and I assure you, if the 3M Company does sell the reflectorized material to the State of Maine, it certainly has no bearing on this particular issue today.

If you look at the lifetime of a plate, which is about 10 years, your looking at the cost the State of Maine pays for the material. It's about 5½ cents per plate.

When you look up the mark up that we have on those plates, that contributes, substantially to our revenues for the operation of that particular department.

I would hope Mr. President, and Members of the Senate, that you overwhelmingly reject this ludicrous idea in this particular Amendment, which was identical to the one that was in the other Branch. It was heartily defeated, and we should do likewise and retain the integrity of what the Committee of Audit Program Review has done on this particular, in this particular Bill, as well as regarding this particular issue.

The PRESIDENT Pro Tem: The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, I talked about the Committee a little bit earlier. I just want to make it very clear.

As long as I've been up here, the good Senator from Androscoggin and I have been opposing each other on this issue. When he was in the Transportation Committee, he was opposed to the one plate idea, and he is now. I have no problem, as I said on this floor the other day, I have no problem with being beaten, when I am beaten with consistency.

Now, I would take issue with the comments of the good Senator from Androscoggin. Mr. President, I would note in the Chamber the absence of a quorum.

A Quorum of Senators was called to the Chamber.

The Senate called to order by the President Pro Tem.

Senator CARPENTER: Thank you, Mr. President. Mr. President, I'll wrap this up because I don't fantasize for a second that I am changing anybody's mind, but I do want to make some things clear, and I want to put some things on the Record. This is an issue that I feel very, very strong about. I do not disagree with most of what the good Senator from Androscoggin had to say about the potential value of the 2 plate system.

Does anybody in this Chamber today think that we have a two plate system in Maine? That's the question. We don't. I don't think there's anybody who could stand up here today and tell me with a straight face, that they think that we have an effective, enforced 2 plate system in the State of Maine today.

You talk about ripping off the taxpayers. Well, I have to buy something that goes in the trunk of my car, has no value to anybody to the state, other than that, I'm getting ripped off.

What about the Bicentennial year? We authorized bad guys and crooks and all kinds of skulduggery people to run around the state with a plate on the front of the car. We told them it was okay. Now, you tell me that crime, or law, crime went up or law enforcement efforts were diminished during the Bicentennial year.

That's hogwash, also, but we said that was o.k. The State police didn't fight us on that. I'm sure 3M didn't fight us on that, because I'm sure they made their reflectorized material for that, too.

Don't kid yourself into thinking, and I don't want the record to indicate that this Bill hasn't been Lobbied to death.

I don't know whether anybody came to the Committee or not. I heard the good Senator from Aroostook stand here yesterday and talk about the Performance and Audit Committee, or the Audit and Performance, whatever they call themselves these days, about it being a year long process. Well, I know that a month ago, I wasn't concerned about, 2 months ago I wasn't concerned about putting this Bill in a separate LD, because I knew there was a lot of support in the Committee.

There was a vote in the Committee in favor of including this issue in the Bill before us, and then all of a sudden something happened. The good Senator from Aroostook talked about the year long process. He talked about Audit and Performance Review being a very worthwhile process, and then he talked about, in regard to another amendment, we can't allow ourselves to be picked off, and this is a quote from last night, "picked off, one at a time, by special interest groups."

Now, you tell me what this is, when the vote in the Committee was to put this in the Bill, and now we're being picked off one, by one, by one.

I cast no aspersions at any member of the Committee. They have a right to change their position, but I'm telling you a prime example of, the best example I've seen this Session, of a special interest group saying, hey, we're going to lose this issue if we don't get our act together. They got their act together, and they're going to win the issue, but their not going to win the issue fair and square.

The good Senator from Androscoggin was exactly right about the potential value of a car coming toward you and a policeman being able to see that plate, and I just asked him again, when was the last time he saw an officer going down the road, writing down license plate numbers?

Now, a trained police officer has a good memory, but if he has to travel very far, and you meet a lot of cars, you know your memory isn't that good.

What about dealer plates? What about dealer plates? Have we had instances in the State of Maine, where there have been crimes committed by cars driving dealer plates. Let's make the dealers put a plate up front. They're just as susceptible to having cars stolen, and I know because I worked for a dealer at one time. They're just as susceptible to having a car stolen as I am. What about motorcycles? What about the lack of illumination of the front plate? These are phony issues. Completely, completely phony issues.

I had a Legislator friend one time, who told me, since we have dual registration how this will blow a police officer's mind, and this is legal. I believe. He used to put his white plate on the front, and his blue plate on back. That way, if he was someplace where he didn't want anybody to see him, he'd back his car in. An old trick, perfectly legal, I think. I drove up this morning, and I watched in my rear view mirror, car, after car, after car, after car. Use to be I thought those were all out-of-state cars. No way, no way. They're all state cars.

All I'm saying is I don't oppose the 2 plate system, and when I lose this morning, I don't want the State police to enforce the two plate system we're still going to have on the books.

But, it's a phoney issue, and you can't go back and tell your people that you voted to cut government spending, if you let this issue, at \$104,000 a year, and I had someone in the other Body tell me that's small amounts, minor amounts. \$104,000 I'd like to have it. Mr. President, has a Roll Call been requested? Thank

you.

The PRESIDENT Pro Tem: The Chair recognizes the Senator from Aroostook, Senator McBreaity.

Senator MCBREAIRTY: Mr. President, Honorable members of the Senate, I'll be very brief.

I would like to stress a few points.

Lobbyists had absolutely no influence in my decision on this issue. It was made on facts. We had public hearings on the recommendations, and finally come out with our decision, the Majority of the Committee.

I would like to also stress that the savings the state will be making will be taking away something that you have already bought. Now, if we want to go with this theory, there's many more areas we can go into, and buy services from the State, and then not request that they deliver. Then we can save millions.

The reflector plate was one thing that the police did bring out, nearly every group, and that was the fact that with the reflector plate, when a car is left, unattended, at night, along the highway, that reflector plate is probably the first thing that you'll see, and realize that the vehicle is there, so they consider that to be a real safety feature on a front reflector plate on a car, and if it's abandoned or left along the road, or stalled, you do have something that you'll pick up quickly, and identify the fact that it's there, and that was one of the things that influenced my decision right there. I know many of you have seen cars, and if you watch from now on, you'll notice in the dark, the first thing you'll see is the reflector plate on the front.

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

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President, I'll also be very brief.

The good Senator from Aroostook, Senator Carpenter, brought out one fact that I have been consistent on this particular issue over the years, and I have been, and I can assure you that I was not influenced nor bought by any lobbyist or any organization, who might be interested in selling materials to the State of Maine.

I resent, and I consider it a cheap shot, to more or less indicate that other members of that Committee changed their positions because of a lobbyist who wants to sell material to the State of Maine.

I've heard a lot of remarks through my years up here, but I really consider that really cutting, unwarranted, unfair to myself, as that Subcommittee Chairman, and to the Members of the Audit and Program Review Committee, who in good conscience really screened and evaluated all the facts before them, and I can assure you their interest was only for the citizens of the State of Maine, and not to hamper law enforcement any more than we have.

We can play all the games we want by cutting back on law enforcement, and telling them what we think they should be doing, when on the other hand most of us are not out there trying to enforce the law or going through those trials and tribulations that these law enforcement agencies, whether at the municipal level, county level, or state level, are doing.

We just take it for granted, like we do many things, this Legislature, unfortunately. It's easy to criticize and condemn, which seems to be the name of the game this morning. I can assure you that the intelligence of this Body won't accept such a hideous ploy that's been projected to us.

The PRESIDENT Pro Tem: The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, thank you if the record as examined. The good Senator from Androscoggin will go look at the record, and he will see that my remarks, which, on the floor of this Body, can be very emotional, have been anything but that this

morning.

I would just simply say if anybody is interested in relating what the initial vote in the committee was on this issue. I thought I was very clear when I spoke the last time, that I have no problem, whatsoever with my seatmate on this issue. I didn't talk to him about the issue as far as trying to have him change position, because I know. That's fine. No problem with that.

I cast absolutely no stones at anybody on that Committee, or the individuals lobbying the Bill. I don't think I did. I didn't intend to if I did. Maybe new information came in. I haven't heard it this morning yet. All I've heard is the same tired old rhetoric from the same chiefs of police all over the world.

Of course they support the concept of two plates. The police in Maine do. They're frustrated, too, because they're not enforcing it. They can't enforce it. Most Maine people abide by it because you get two. If you get two, you put them on, somewhere.

I'll bet you right now that most people in the State of Maine don't know that it's a violation of Maine Law to be without one on the front of your car.

I just want to make the Record very clear. I'm not questioning the integrity of the good Senator from Aroostook, the good Senator from Androscoggin, and I'm certainly, and I emphasize the word "certainly", not questioning the good Senator from Lincoln, Senator Sewall, the other member of the Committee. Not one bit. If you want to take that and make it into an issue, because the vote's going to be close, and it might turn somebody's head, well so be it. It didn't come from my lips. You go read the horse blanket when it comes out in a couple of days.

I would leave you with just one question. I think you ought to be thinking about this, when you vote. The law today says you've got to have one on the front, if anybody took it that way, including the good Senator from Androscoggin, I apologize. I simply said the vote turned around. It did, and you've got to have one on the back. Period. No exceptions. If my issue fails this morning, I want you to ask yourself, is the law presently working? Is it being enforced? If not, then I suggest that maybe at another time, maybe on a cooler day, that we might enact some changes in the law. Thank you, Mr. President.

The PRESIDENT Pro Tem: 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 Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President, I had to leave the Senate Chamber for personal reasons, and wonder if the proponents and opponents might just summarize their arguments for and against this Bill?

The PRESIDENT Pro Tem: The Senator from Penobscot, Senator Trotzky, has posed a question through the Chair to any Senator who may care to answer.

The pending question before the Senate is the motion by the Senator from Aroostook, Senator Carpenter, that the Senate Adopt Senate Amendment "B" to LD 1576.

A Yes vote will be in favor of the Adoption of Senate Amendment "B".

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Bustin, Carpenter, Charette, Clark, Conley, Dutremble, Huber, Kerry, Najarian, Pray, Trafton, Violette, Wood.

NAY — Ault, Brown, Collins, Devoe, Emer-

son, Gill, McBreaity, Minkowsky, O'Leary, Perkins, Pierce, Redmond, Shute, Sutton, Teague, Trotzky, Usher.

ABSENT — Hichens, Sewall, C.; The President — J. Sewall.

A Roll Call was had.

13 Senators having voted in the affirmative and 17 Senators in the negative, with 3 Senators being absent, Senate Amendment "B" Fails of Adoption.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President, on the posture of this Bill, is it permissible to ask for Reconsideration on one item?

The PRESIDENT Pro Tem: The Chair would answer in the affirmative.

The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Minkowsky, that the Senate Reconsider its action whereby it Failed to Adopt Senate Amendment "B" to LD 1576.

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, as amended Passed to be Engrossed, in nonconcurrence.

Senate

Bill, "An Act to Improve Enforcement of the Plumbing Code." (S. P. 454) (L. D. 1300)

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

Sent down for concurrence.

Bill, "An Act to Make Allocations from the Highway Fund and Appropriations from the General Fund for the Fiscal Years Ending June 30, 1982, and June 30, 1983, and to Establish a Local Road Assistance Program." (Emergency) (S. P. 609) (L. D. 1607)

Which was Read a Second Time.

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

Senate — As Amended

Bill, "An Act to Bring Noncarbonated Beverages such as Fruit Punch and Iced Tea into Compliance with Maine's Beverage Container Law." (S. P. 367) (L. D. 1086)

Bill, "An Act Amending the Electricians Licensing Statute." (S. P. 285) (L. D. 810)

Bill, "An Act to Provide one Additional Judgeship for the District Court." (S. P. 158) (L. D. 366)

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

Sent down for concurrence.

Bill, "An Act to Provide Cost-of-living Adjustments to Retired State Employees, Teachers and Beneficiaries." (S. P. 385) (L. D. 1143)

Which was Read a Second Time.

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

Enactor

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

AN ACT to Diversify Maine's Participation in the Eastern States Exposition. (H. P. 1254) (L. D. 1478)

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

The President Pro Tem requested the Sergeant-at-Arms to escort the Senator from Penobscot, Senator Sewall to the rostrum where he assumed his duties as President.

The Sergeant-at-Arms escorted the Senator from Penobscot, Senator Sewall, to the ros-

trum where he assumed his duties as President.

The Sergeant-at-Arms escorted the Senator from Knox, Senator Collins, to his seat on the floor of the Senate.

The PRESIDENT: The Chair thanks the Majority Floorleader for his usual good work this morning.

Orders of the Day

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

HOUSE REPORTS — from the Committee on Business Legislation — Bill "An Act Concerning Illegal, Fraudulent or Unconscionable Conduct in Attempted Collection of Debts." (H. P. 545) (L. D. 621) MAJORITY REPORT Ought to Pass in New Draft under same Title (H. P. 1460) (L. D. 1599); MINORITY REPORT Ought Not to Pass.

Tabled — May 14, 1981 by Senator SUTTON of Oxford.

Pending — Acceptance of Majority Report.

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

Senator SUTTON: Mr. President, we discussed this at quite some length the other day. I'd just like to remind you that we are going to throw a net over all the business of Maine because we've got one big business that's causing some problems in this area, possibly two.

The Bill was tabled, or was held in the committee for quite some time, talking with this particular company, also trying to figure out how we could make this Bill cover just the large companies, and not cover all the small businesses in the State of Maine. We finally gave up because we couldn't quite figure out how to do that.

That's the problem I'm concerned with. I'm in complete sympathy with what needs to be done as far as some of these large debt collectors are concerned. I'm also very concerned about what this is going to do to the numerous and perpetual, for sake of a better word, deadbeats, who as soon as they get a little pressure from Perkins Pharmacy in Blue Hill, for not having paid their prescription drugs that he's extended on credit. They get on the phone. They either call Pine Tree Legal, or they call the Consumer Protection, where they'd wind up if they did call Pine Tree Legal. Then it's the burden on the proof.

The burden of proof is completely on the store owner, to prove that he did not harass the person who owed him money. Maybe he called his place of business once. Maybe he called the neighbor once looking for them. He's going to have to prove that he didn't do it more than three times in a seven day period, or what have you, or so many times in a week.

Ladies and Gentlemen, I don't want all of our store owners, banks, and what have you, in the State of Maine, put in a position where they are going to be guilty until proven innocent by deadbeats, who will be using our law as protection against doing what they should and rightly should do.

Ladies and Gentlemen, I would urge you not to Accept the Ought to Pass Report.

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

Senator CLARK: Thank you, Mr. President. Men and Women of the Senate, I would hope this morning that you would Accept the Ought to Pass Report. We are not proposing some flaky new standards here, in what was originally LD. 621, and is now LD 1599. These are the very same, the identical standards already operating and well, I might add, for our debt collection agencies in Maine today.

You've heard from the good Chair of the Committee on Business Legislation, who reflects that a sentiment that there are those who question whether this is such a problem, that it merits passage of this Bill. Yes, we on the Committee, including the faction that I'm

speaking on behalf this morning, would prefer that abuses in this area be solved through an educational process, internally within the organized associations representing Maine's business community. Whether it be through news letters, direct mail letters, conferences, workshops, yes, even conventions, to inform violators, current violators, and maybe even inadvertent potential violators within the membership of Maine's business community of ethical, acceptable, collection practices.

If this could be done effectively, and to date, it has not been effective, then future abuses could be kept at an absolute minimum. All of these laudable efforts have not worked thus far. For those businesses in Maine, few, I acknowledge, who persist in continually engaging in what is acknowledged by all members of our community to be unconscionable.

L. D. 1599, in New Draft, makes needed corrections in correcting Maine's law and regulations for the collection of debts. While most Maine creditors do not engage, as I have mentioned, in these kinds of practices, this Bill was introduced as a direct result of complaints by Maine citizens concerning debt collection practices.

I'm not going to share with you this morning numbers of stories that are offensive probably to you, would be offensive to you, and were offensive to members of the Committee. Some of these practices include calling people other than the debtor, those in the neighborhood, not related even. Calling the consumer at his or her place of business, even after the debtor has told the creditor that they couldn't take telephone calls at their place of business, that their jobs might be in jeopardy and in fact, many debtors lost their jobs as the result of this practice.

No one is denying businesses, or the creditors in Maine, the right to collect debts. I would not be standing here advocating for that position. Maine business creditors have, we all agree, the right to collect their debts. Creditors have the right to repossess their collateral. Maine citizens who are debtors, not only have the responsibility to pay their debts, but they also have the right to be free from undue, unwarranted harassment, and extreme invasion of their privacy.

This does not affect other than Maine creditors, for debt collection agencies are already licensed by the Bureau of Consumer Protection. The law under which we operate was mutually arrived at by that segment of the business community in Maine. It is working well. They can not, Maine's debt collection agencies, do practices contained or engaged in practices contained in LD 1599, because it would be in violation of current law. This Bill is only for Maine creditors.

I would ask you to please seriously consider the pending motion, and invite you to join with me in support of that.

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

Senator SUTTON: Just one little word. The good Senator from Cumberland mentioned several times about how well, in most cases, our current law is working. I would remind you that this whole program is not broken enough to try and fix every business in the State of Maine.

If it's in order, and proper, Mr. President, I'd move that this Bill and all its accompanying papers be Indefinitely Postponed.

The PRESIDENT: The Chair would advise the Senator his motion is in order.

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 Oxford, Senator Sutton, that LD 1599 and all its accompanying papers be Indefinitely Postponed, please rise in their places to be counted.

The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: 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 Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Thank you, Mr. President. A very brief reminder, Members of this Chamber, that this does not affect every mom and pop store in the State. It affects only about the 1800 creditors in the State of Maine who are licensed under the Bureau of Consumer Protection, which does include merchants and banks, etc., who are formal grantors of credit, and are considered, because they are licensed, creditors.

Again, this does not apply to every mom and pop, and small business in the State. I would ask that you defeat the pending motion.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Oxford, Senator Sutton, that LD 1599 and all its accompanying papers be Indefinitely Postponed.

A Yes vote will be in favor of the Indefinite Postponement of LD 1599.

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, Huber, McBreairty, Minkowsky, Perkins, Pierce, Redmond, Sewall, C.; Sutton, Teague, Trotzky, The President J. Sewall.

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

ABSENT — Hichens, Shute.

A Roll Call was had.

16 Senators having voted in the affirmative and 15 Senators in the negative, with 2 Senators being absent, the motion to Indefinitely Postpone LD 1599 in concurrence does prevail.

The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Mr. President, having voted on the prevailing side, I move reconsideration and hope you vote against me.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Oxford, Senator Sutton, that the Senate Reconsider its action whereby it voted to Indefinitely Postpone LD 1599.

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

Bill, "An Act to Facilitate the Leasing of Existing Subsidized Housing Units." (H. P. 809) (L. D. 970)

Tabled — May 14, 1981 by Senator COLLINS of Knox.

Pending — Passage to be Engrossed.

On motion by Senator Perkins of Hancock, Retabled for 1 Legislative Day.

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

SENATE REPORTS — from the Committee on Transportation — Bill "An Act Relating to Vehicle Size and Weights." (S. P. 302) (L. D. 846) MAJORITY REPORT Ought to Pass as Amended by Committee Amendment "A" (S-198); MINORITY REPORT Ought Not to Pass.

Tabled — May 14, 1981 by Senator COLLINS of Knox.

Pending — Acceptance of Either Report.

On motion by Senator Emerson of Penobscot, the Minority Ought Not to Pass Report of the Committee Accepted.

(See Action Later Today)

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

Bill, "An Act to Adopted Standards for Access by the Handicapped to Certain Buildings." (S. P. 495) (L. D. 1395)

Tabled — May 14, 1981 by Senator SUTTON of Oxford.

Pending — Enactment.

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

Senator SUTTON: Mr. President, thank you. Ladies and Gentlemen of the Senate, I just had a couple of questions, and was a little concerned about the direction this Bill was taking us in last year. We had the access bill, which certainly had all the beautiful merits to it, but was going to constitute a real problem to the business community of the State of Maine.

I just wondered whether this Bill is going to do the same thing as far as the, I see a lot of discussion about public accommodations. I'm just wondering if the motels and hotels, and other type places in the State of Maine are going to have to spend a lot of money providing access in this Bill, and whether we're expanding the present laws in this regard.

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

Senator GILL: Mr. President, what this Bill does is it upgrades the American National Standards, Institute Standards, known as the ANSI standards. We have been operating under the ANSI standards of 1971. What this Bill does is upgrade them to the new, revised, 1980 standards.

We have now in effect the Public Safety Law, which is Title 25 in the Human Rights Act. It does require that certain public and private buildings have structural features. We have always gone by the ANSI standards. We are not expanding it any further except upgrading the standards to the newer, revised 1980 standards, which are nationally recognized and adopted. We're not expanding any more than what we've already had in the past.

There are portions that are underlined, or in black type, which I know Senator Sutton was concerned about. What we're doing is saying in there, that any remodeling or enlarging done before January of 1982, and it's simply because we're putting January of 1982 in there, that changing the dates that we're, it's in black print. There is no, what we're just trying to do is update those standards, and have them apply to buildings that are leased by the State.

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

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

Bill, "An Act Creating the Maine Clean Indoor Air Act." (H. P. 347) (L. D. 395)

Tabled — May 14, 1981 by Senator COLLINS of Knox.

Pending — Motion of Senator SUTTON of Oxford that Bill and Accompanying Papers be Indefinitely Postponed.

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

Senator COLLINS: Mr. President, I move this be Tabled 1 Legislative Day.

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

Senator DEVOE: I request a Division on that motion.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Knox, Senator Collins, that LD 395 be Retabled for 1 Legislative Day,

please rise in their places to be counted.

The Chair recognizes the Senator from Cumberland, Senator Gill.

Senator GILL: Could I request a Roll Call on that Tabling motion?

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 Knox, Senator Collins, that LD 395 be Tabled for 1 Legislative Day.

A Yes vote will be in favor of the motion to Table LD 395 for 1 Legislative Day.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Brown, Bustin, Carpenter, Clark, Collins, Emerson, Gill, Kerry, McBreairty, Perkins, Pierce, Teague, Trafton, Trotzky, Wood.

NAY — Ault, Charette, Conley, Devoe, Duttremble, Huber, Minkowsky, Najarian, O'Leary, Pray, Redmond, Sewall, C.; Shute, Sutton, Usher, Violette.

ABSENT — Hichens.

A Roll Call was had.

15 Senators having voted in the affirmative and 16 Senators in the negative, with 1 Senator being absent, the motion to Table LD 395 for 1 Legislative Day does not prevail.

The pending question before the Senate is the motion by the Senator from Oxford, Senator Sutton, that LD 395 and its accompanying papers be Indefinitely Postponed.

Will all those Senators in favor of the Indefinite Postponement of LD 395, please rise in their places to be counted.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: 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 the Indefinite Postponement of LD 395.

The Chair recognizes the Senator from Cumberland, Senator Gill.

Senator GILL: Mr. President, I know that an awful lot of work has been done in this Body by that lobby. I really hate to use that word, but they really have been working hard. The other side, the people who were in favor of clean air, have not been working as effectively, apparently, I don't know.

It just bothers me so that we've got people who can not attend public meetings. They just can not attend them, because of the smoking issue. Here we are, at the Senate Body, saying, well, we don't care whether you come or not. We want to smoke and we're going to prevail no matter what.

I just don't think that's right for the State of Maine and for this Senate Body to vote that way. We would not think of individually picking someone out and throwing them out of a public meeting, and yet we're doing the very same thing by not allowing them in, by having smoking in the public meeting.

I think we really should consider what we're doing here. I would please ask the Senate to vote against Indefinite Postponement of this Bill.

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

Senator BUSTIN: Mr. President and Members of the Senate, unlike my colleagues in this Body, I would like to commend the other Body, or the third Body, for the excellent job they have done in lobbying this Bill. I respect their ability. I hope that eventually, mine will be as good, if I'm here for any length of time.

What I would like to bring to your attention is that if you don't go for this Bill, what you are in effect saying is that you're disenfranchising those voters who choose not to be in a room where public matters are being discussed and voted on, because there is smoking there. One thing I'd like you to keep in mind, that the smoker can choose to go outside the meeting room to smoke. I can't choose to go outside the meeting room to discuss the issue, to hear the issue discussed, or to vote. If they want to set up a separate anteroom for me, or for all of the people who do not want to be involved in the smoking in a public meeting place, and put a loudspeaker there, give me the ability to speak to the congregation that's gathered in the other room, and let me vote in that other room, which I think is a very cumbersome kind of process, then probably you ought to defeat this Bill.

I don't think that's what any of us intend. The other things is, I'm kind of wondering why the third Body is even lobbying this Bill. We're not doing anything about cutting down the amount of tobacco that's going to be bought. Nobody's saying, don't smoke. All they're saying is, please don't smoke where public meetings are taking place, because that's where public policy is being discussed and voted on. Nobody is telling anybody not to buy cigarettes.

I long ago learned that you can't legislate morality. There's no way that I would even try to legislate that. I understand that the lobbying effort has been with the selectmen, with the small mom and pop groceries. They're calling like crazy to tell the people that this is a foot in the door. A foot in the door to what, to less tobacco sales? Is that what we're really talking about here? I can't believe that the Members of the Body would go for that kind of lobbying. I would hope that I could have put those lobbyists on a better, having to make a better justification for their position than that issue.

All we're asking for is to allow the voter to make public decisions, to hear public policy, to vote in a smoke-free environment. I am not saying that the smoker has to go without smoking. He can go out every five minutes. You can call recesses. You can do anything.

As far as the selectmen issue is concerned, the selectmen are all sitting there, and they all want to smoke, they can sit there and smoke to their hearts' content. Under the bill, all they have to do is vote unanimously to do that.

I would ask you to give serious consideration to the fact that what you're voting on is disenfranchisement. The only justification that I've heard from the lobbyists is that the municipalities should have the right to make their own decision.

I can go along with that argument. That argument can stand something for me. That makes some kind of sense to me. When you're talking about public meeting places, and you're saying the municipalities should control that, fine. We're talking about voting. It seems to me that the State of Maine controls voting and voter registration, and everything to do with voting in one way, shape, or form. We don't allow the municipalities much leeway in that. I don't know why we would when we're talking about the meeting place where that vote is taken place, or that public policy is being decided. Please vote against the pending motion.

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

Senator BROWN: Mr. President, Men and Women of the Senate, I vacillate a great deal on this issue. I come from originally from a

state where if you don't smoke by the time you're thirteen years old, you're not patriotic. There's a lot of tobacco that's raised in the State of Kentucky.

I vacillated a lot on this, because I believe, too, that local control is very important, that we shouldn't be legislating from Augusta concerns like this in a local community. I also think back and I know we're not supposed to be terribly personal. I think about an 11 year old daughter that I have that's very much affected by cigarette smoke. I think of the fact that she will be excluded from public meetings where smoking is taking place. Despite all the efforts on the good friends or lobbyists that have also worked on me, I'm going to go with Senator Bustin and the other group today, to whatever the pending motion is before us, not to Indefinite Postponement. I urge you to do the same. Thank you.

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

Senator COLLINS: Mr. President, ten years ago, or twenty years ago, the argument about local control would have had much more validity than it has today. Today medical science has demonstrated to us through years and years of research, that second hand smoke has a definite affect on human health.

I can testify to this out of very personal experience, because I am extremely allergic to smoke. I have been in situations where it was so bad that I had to leave the room because it caused me to vomit.

This sort of medical situation has never in the history of this State been considered something that ought to be strictly a matter of local control. We have state-wide laws about immunization from disease. The children in our schools are vaccinated for small pox, or diphtheria, or whatever the disease may be. As the years have passed, we've been able in this way to cure some diseases so we no longer have to vaccinate or inoculate.

This has basic public health implications in addition to the fact that it is only a matter of providing equal access to public activity for all our citizens. That's all that this Bill is asking for. Equal access. We hear a lot of high-flamed rhetoric, and sometimes very intelligent rhetoric in this Chamber about the right of every citizen to have access to public participation in the political system. That is part of what this is all about. Political access to the system for everybody, not just the people with strong lungs, but everybody.

We passed an act a few minutes ago that had to do with access for the handicapped. Access for the handicapped. I wonder if you realize that the cost to the State of Maine in public buildings is more than 40 percent extra these days because of what we're doing to provide access for the handicapped. Ramps, bars on toilets, wider corridors, wider toilets, wider doors, the whole thing. We're spending millions and millions of dollars to help a very, very few people who have to go in wheelchairs, or with other aids to locomotion.

We're doing very little for people who suffer from second hand smoke. I think it's time to remember a rather big segment of population, in fact a majority of our population, who finally have been vindicated in the fact that they're not just a bunch of sissies, but there is definite medical evidence that this second hand smoke affects human health.

I'm asking you to consider your fellow citizens' health. I'm asking you to elevate your thinking to a level of do unto others as ye would have them do unto you.

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

Senator MINKOWSKY: Mr. President and Members of the Senate, those of you who were here two years ago remember quite well that I steered this Bill into oblivion. I've been doing a lot of soul searching since that segment of

time. Even though the lobbyists group has been brought up consistently and persistently relevant to this issue, I think the remarks this morning made by the good Senator from Kennebec, Senator Bustin, the good Senator from Knox, Senator Collins, and my very good friend, Senator Brown, have really made me think a little more indepth relevant to this issue.

Two years ago, I felt it was of significant value to allow the municipalities to make its own decision relative to ordinances. In the case of my municipality, we did have an ordinance regarding public smoking. It has been enforced. Unfortunately, most municipalities will not enforce a smoking ban for the benefit of the general public at public hearings.

For the Record, Mr. President and Members of the Senate, I intend to vote against the Indefinite Postponement of this measure on behalf of my constituents, most of which have been opposed to this particular Bill by looking at it from the broader perspective. I feel that their health, at least with all the evidence that's been brought forth, is more of paramount importance to me than the good friends that we have in a lobby that projected that point of view.

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

Senator BUSTIN: I request a Roll Call.

The PRESIDENT: The Chair would advise the Senator that a Roll Call has previously been ordered.

The pending question before the Senate is the motion by the Senator from Oxford, Senator Sutton, that LD 395 and all its accompanying papers be Indefinitely Postponed.

A Yes vote will be in favor of Indefinite Postponement of LD 395.

A No vote will be opposed.

The Chair recognizes the Senator from Kennebec, Senator Ault.

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

The PRESIDENT: The Senator from Kennebec, Senator Ault, requests Leave of the Senate to pair his vote with the gentleman from York, Senator Hichens. If he were here, he would be voting Nay and the Senator from Kennebec, Senator Ault, would be voting Yea.

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

It is a vote.

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

ROLL CALL

YEA — Conley, Devoe, Dutremble, Huber, Kerry, Najarian, O'Leary, Pray, Sewall, C.; Shute, Sutton, Usher, Violette.

NAY — Brown, Bustin, Carpenter, Charette, Clark, Collins, Emerson, Gill, McBreairey, Minkowsky, Perkins, Pierce, Teague, Trafton, Trotzky, Wood.

ABSENT — Redmond.

A Roll Call was had.

13 Senators having voted in the affirmative and 16 Senators in the negative, 2 Senators having paired their votes, with 1 Senator being absent, the motion to Indefinitely Postpone LD 395 does not prevail.

Which was Passed to be Enacted.

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

Senator COLLINS: Mr. President, having voted on the prevailing side, I move Reconsideration.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Knox, Senator Collins, that the Senate Reconsider its action whereby LD 395 was Passed to be Enacted.

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.

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

HOUSE REPORTS — from the Committee on Appropriations and Financial Affairs — Bill "An Act to Establish a Statewide Cancer-Incidence Registry." (H. P. 807) (L. D. 967) MAJORITY REPORT Ought Not to Pass; MINORITY REPORT Ought to Pass as Amended by Committee Amendment "A" (H-378)

Tabled — May 14, 1981 by Senator NAJARIAN of Cumberland.

Pending — Acceptance of Either Report.

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

Senator NAJARIAN: Mr. President, I move the Senate Accept the Minority Ought to Pass Report.

The PRESIDENT: The Senator from Cumberland, Senator Najarian, now moves that the Senate Accept the Minority Ought to Pass, as amended, Report of the Committee.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President, the Majority was Ought Not to Pass Report on this. I wonder if one Senator who's on the Ought Not to Pass Report might describe what this Bill does.

The PRESIDENT: The Senator from Penobscot has posed a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Cumberland, Senator Huber.

Senator HUBER: Mr. President and Members of the Senate: There are Majority Reports against passage of this item, Tabled item number six, and also the succeeding item. Those voting against these bills, I believe, are motivated by an awareness of our financial situation. I think it's inevitable that these bills will go to the Appropriations Table and will be considered there, rather than delay the course of this Session, I did not intend to discuss this further.

On motion by Senator Najarian of Cumberland, the Minority Ought to Pass, as amended, Report of the Committee Accepted in concurrence and the Bill Read Once. Committee Amendment "A" Read and Adopted, in concurrence. The Bill, as amended, Tomorrow Assigned for Second Reading.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: Mr. President, Item Three on the Tabled items of today's calendar, LD 846, the Senate having Accepted the Minority Ought Not to Pass Report, I would ask for Reconsideration.

The PRESIDENT: The Senator from Somerset, Senator Redmond, now moves that the Senate Reconsider its action whereby it Accepted the Minority Ought Not to Pass Report of the Committee, on Bill "An Act Relating to Vehicle Size and Weights."

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President and Members of the Senate: This is a Bill which will increase the truck weight allowance on the State highways from 80,000 pounds up to 90,000, plus a 10 percent allowance, which would increase the maximum up to 99,000 pounds.

The highway budget has received a lot of concern and debate in this session, a lot of press, the conditions of the highways throughout the State. It is my feeling that one of the reasons for the detrimental conditions of our highways

is the weight allowance, which is presently being used on the highways. It's a weight allowance which I had supported, a weight increase which I had supported when the Legislature addressed that issue a couple of years ago.

I would oppose any attempt to Reconsider whereby we adopted the Minority Ought Not to Pass Report. I don't think that our highway system can withstand an additional weight allowances on the highways.

I'd ask for a Division.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: Mr. President, Ladies and Gentlemen of the Senate: there are 2077 trucks registered for the 80,000 pounds now. They have five axles under them. There are many other trucks who have six axles now also. It's not feasible for them to be able to transport only 80,000 pounds.

This Bill will bring an increase of around \$1 million a year in money for the State Highway Fund. I don't have to tell you how important that is this year. More important than this is the fact that it would help stimulate economic activity among Maine business and industry. We all know how very much our State needs this. The cost of transporting Maine goods, Maine made goods, to market is among the highest in the nation.

The present load limit laws impose an unfair burden on the small businessman in our State. Logging operators, many in debt to over \$1 million each are continually stopped by officers and enforcing the existing laws. Overweight fines of \$500 or \$600 dollars are common.

The present laws are outdated. They have got to be tailored to meet the changing times and the needs of the modern Maine economy. A fine of \$500 is hard money to a small Maine businessman, when he has payments of over \$2000 a month for his equipment.

Our Department of Transportation has opposed this Bill because of anticipated damage to roads and bridges. This Bill is written so that truck loads would be better distributed than they are now. Damage to roads and bridges could be less than at present, not more. We are in an energy crisis. We're spending millions of dollars each day to develop ways of conserving energy. A little bigger load simply means that we use less fuel to keep the economy moving. This has got to be a major consideration.

The primary opposition to this Bill comes from the railroads and the Department of Transportation. As you vote on this Bill, I ask you to think of the needs of your constituents, Maine industry and the small businessman who are the very foundation of our State's economy. You think about them. There are not many incentives for development of business and industry in our State. Property and sales taxes are high. Taxes on the Workers' Compensation and Unemployment Compensation are among the highest in the nation. State environmental laws are in many cases more strict than the federal laws, because of our heavy winters, it costs businesses more to operate in our State than it does elsewhere.

In matters of rail and highway transportation, we are at the end of the geographic line. So, it costs us more to move our goods to market than it does in most other states.

I'm appealing to you now to vote for passage of this Bill. It's a moneymaker at the time when our highways need this money more than ever before. It's also designed to cause little damage to our roads and bridges. I hope that you will vote for Reconsideration of this matter. I would ask for a Roll Call.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Penobscot, Senator Emerson.

Senator EMERSON: Mr. President and Ladies and Gentlemen, probably the greatest dilemma facing this Legislature is how we're going to find the funding to maintain our high-

way and bridge system. It doesn't make much sense to me, to increase the damaging impact trucks would have if we increased the load limit to these levels. We would have an impact on our highways and on our bridge systems both.

Not only does this Bill affect the trucks that haul 80,000 pounds, or five axle trucks, also, it increases the allowable loads on the triaxle units from 48,000 pounds to 56,000 pounds. This is an even greater concern than increasing gross weights, because of the concentrated loads carried on the triaxle units, and the more damaging impact resulting would be allowed to carry such concentrated loads.

Vehicles carrying special commodities, and this will be wood products would be one of them, would be allowed to carry up to 61,000 pounds on a triaxle unit. This is over 28 percent greater than the present allowable limits for vehicles carrying regular commodities.

A typical six axle vehicle loaded as allowed by this LD as amended would cause 47 percent more damage to the pavement than one loaded under the present law. It's estimated by the Commissioner of Transportation that you would have to, if this law went into effect, that you would have to post 1000 bridges, up to 1000 bridges.

It also should be noted that the federal law permits only a maximum gross weight of 80,000 pounds on a federal highway system. This is the best system that's built in this State. A similar measure was passed in the 1974 Legislature. It was repealed by the people through a referendum process. It is estimated, as the Senator from Franklin said, that there was 2077 trucks, or more. Of that number there is two percent that have six axles.

If the businesses that use trucks can't survive without this Bill, I think they're on pretty shaky ground. I have a report to the Congress by the G.A.O. office. It's entitled "Excessive Truck Weights, an Expensive Burden we can no longer Support." I'd like to read one paragraph.

"The American Association of State Highway and Transportation officials, reported that concentrating large amounts of weight on a single axle multiplies the impact of the weight exponentially. Although a five axle tractor trailer loaded to the current 80,000 pounds federal limit weights about the same as 20 automobiles, the impact of the tractor trailer is dramatically higher. Based on the Association's data, and confirmed by its officials, such a tractor trailer has the same impact on an interstate highway as at least 9600 automobiles. Increase in truck weight causes an ever increasing rate of pavement damage."

That's an 80,000 pound trailer. We're talking about one that would be operating at a 99,000 pound level. I would urge you to Accept the Minority Ought Not to Pass Report.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: I would like to ask the Secretary to read the Report of the Committee on Transportation on this Bill.

Which Reports were Read.

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

Senator USHER: Mr. President and Members of the Senate, I would like to briefly explain why I signed the Majority Report. The original Bill was for 100,000 pounds. I knew what a lot of trouble that would cause. I knew it would be costly to the truck owners to change their equipment around to accommodate 100,000 pounds, to haul 100,000 pounds, you have to purchase a different size tractor, different size engine. You're talking everything bigger, which is not what the people are doing today.

We reached a compromise amongst the Majority Report. We thought we'd like to change it to 90,000. The reason for 90,000 is, and at my occupation, I am involved with the truckers every day. I asked a lot of questions, if we ever got

about 100 trucks to come in a day, I talked to just about all of them.

Today, they are damaging the roads. We see that on our side roads. Right now they're hauling 87,000, probably 88,000, and a few are getting by up to 90,000. We know this. But they're not paying for it. They only pay it up to 80,000.

Look at all the money we're losing. That's why we supported the 90,000. They would have to register for 90,000. Let's get their money. If they go over the 90,000, they would have to change their trailers, and their tractors. They're not buying bigger tractors, because they're not selling bigger ones. They're going to keep the tractors they have now.

Energy efficient tractors, right now can only hold about 85,000 or 86,000. They're using that 10 percent variance. We're not getting compensated for it. Let's receive the money and maybe put it back into our highway system, where it's being broken up.

I realize it's being abused. We have enforcement problems. Let's get the 90,000 on the books so we can get the money for it. 100,000 would be very costly to everybody. I don't agree with 100,000 either.

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

Senator PRAY: Thank you, Mr. President. Mr. President and Members of the Senate, as I hear the debate continue on this issue, there are several points brought up that concerns me. First of all, the good Senator from Somerset, Senator Redmond, has talked about the fines that are being levied. Let's understand first of all that those fines being levied to an individual who knowingly is overloading his truck, thus he is fined. He is breaking the law to start with. If he has opposition to that law, then the process is to come down here and try to change it. It's not to go out and knowingly violate the law. I have those sympathies for those individuals who are paying a fine because they are overloading their trucks.

My district is one of the largest in the State. An awful lot, around 500 miles of State highway. Some of those back roads have a lot of logging trucks on them, a lot of heavy trucks. I've seen the shape of those roads. The speed limit is 50 on most of them. You'll be lucky if you can go around 40, because of the condition of the road, because it's been broken up during the frost by these big trucks, continuously using them. In many instances, because they have continuously violated the weight limit law now, which brings me to a second point, the point that the Senator from Cumberland, Senator Usher, brought up.

We have an enforcement problem. If we have an enforcement problem, the answer isn't to say let's make it legal for them because we can't enforce it anyway.

To me, the answer is for the Transportation Committee or this Legislature to appropriate more money out of the budget. You've got to make cuts somewhere. I know it's a hard job to put more people from weights and measures out there checking on these trucks.

My concern is not the railroads. As a matter of fact, my opinion of the railroads, although I support them is the fact that they were probably born about 100 years too early, and invented 100 years too early. If it was invented today, it would be the greatest thing going. We have a main artery through this State. Interstate 95 running from the southern part of this State north to Houlton. If I had my way, I'd take one of those lanes and I'd put a railroad track on it and run it north and south. I think perhaps that would save the highway department an awful lot of expense as well.

I appreciate what the trucking industry does for this State. I appreciate the speed in which they deliver goods from around this country, from Florida, from the west coast. They have done a tremendous job to provide goods to the people of this State. The flipside of that coin, the individuals who drive their automobiles

around this State, the vast majority of people, automobiles which range from little over a ton up to perhaps 3000, 4000, 5000 pounds. We have continuously had those people pay the bulk of the expense of the transportation repairs in this State to our major highways.

I can not see any solution to the transportation problem by adopting a Committee Report which speculates that there would be somewhere around \$500,000 raised. Speculation on the fact that if, if 2077 trucks register for the 90,000 pounds, plus the 10 percent weight allowance, which takes it up to 99,000 pounds, I'm glad that the Senator from Cumberland, Senator Usher, does not favor 100,000. That 1000 pound difference in the weight allowance would make a great difference to the wear and tear of our state highways.

I would hope that we would not Reconsider, that we would think about the expense that this State has to undertake at this time dealing with the transportation costs, and the repair and maintenances of the roads that we have in this State. Thank you.

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

Senator EMERSON: Somehow I have a lot more respect for the opinion regarding the impact the trucks have on the roads, I have more respect for the opinion of the people in the Department of Transportation than I do in the people that operate trucks. The people in the Department have told us that the costs to the Department would far exceed any revenue brought in by the increased fees.

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

Senator O'LEARY: Mr. President, I think it was brought out in testimony before our Committee that going to the 90,000 pounds, putting another axle on these trucks, would do even less damage to our highways than is presently being done. That's the biggest part of the reason why I voted for this in Committee.

However, the Department of Transportation will have to post more bridges to keep these heavier trucks off. The routes will be limited. I think the fact that even less damage will be done to our highways because of this other axle is justification enough to vote for this Bill.

The PRESIDENT: Is the Senate ready for the question?

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 Somerset, Senator Redmond, that the Senate Reconsider its action whereby it Accepted the Minority Ought Not to Pass Report of the Committee.

A Yes vote will be in favor of Reconsideration.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Kerry, O'Leary, Redmond, Sewall, C.; Usher, Wood.

NAY — Ault, Brown, Bustin, Carpenter, Charette, Clark, Collins, Devoe, Duntremble, Emerson, Huber, McBreairey, Minkowsky, Najarian, Perkins, Pierce, Pray, Shute, Sutton, Teague, Trafton, Trotzky, Violette.

ABSENT — Conley, Gill, Hichens.

A Roll Call was had.

6 Senators having voted in the affirmative and 23 Senators in the negative, with 3 Senators being absent, the motion to Reconsider does not prevail.

Sent down for concurrence.

The President laid before the Senate the sev-

enth Tabled and specially assigned matter:

HOUSE REPORTS — from the Committee on Appropriations and Financial Affairs—Bill, "An Act to Improve the Nursing Home Ombudsman Program's Capacity to Respond to Nursing and Boarding Home Complaints" (H. P. 465) (L. D. 503) MAJORITY REPORT Ought Not to Pass; MINORITY REPORT Ought to Pass as Amended by Committee Amendment "A" (H-377)

Tabled—May 14, 1981 by Senator CONLEY of Cumberland.

Pending—Acceptance of Either Report.

On motion by Senator Najarian of Cumberland, the Minority Ought to Pass, as amended, Report of the Committee Accepted, in concurrence. The Bill Read Once. Committee Amendment "A" Read and Adopted, in concurrence. The Bill, as amended, Tomorrow Assigned for Second Reading.

The President laid before the Senate the eighth Tabled and specially assigned matter: Bill, "An Act to Provide Loans for Family Farms." (S. P. 470) (L. D. 1326)

Tabled—May 14, 1981 by Senator COLLINS of Knox.

Pending—Consideration.

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, now moves that the Senate Adhere.

The Chair recognizes the Senator from York, Senator Wood.

Senator WOOD: Mr. President, Members of the Senate, I think a more appropriate action would be to Recede and Concur.

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

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: I request a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from York, Senator Wood.

Senator WOOD: Mr. President and Members of the Senate, we debated this the other day right after my wonderful victory on plea bargaining that evening. I don't want to debate it again. I would point out that it is an attempt to try to encourage some farm activity in the State. I thought, if these children walked in the Senate, that I hope when they get to be adults, there will be some farms left. One of the ways to ensure that is to start protecting our farm land by encouraging farm activity. This is an attempt by the Committee on Agriculture. It was a near unanimous Report. It was a recommendation of the Food and Farmlands Study Commission. I would urge you to give it some consideration.

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

Senator MINKOWSKY: Mr. President, has a Roll Call been requested on this motion?

The PRESIDENT: The Chair would answer in the negative.

Senator MINKOWSKY: 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 the motion by the Senator from York, Senator Wood, that the Senate Recede and Concur with the House.

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

A No vote will be opposed.

The Doorkeeper will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Bustin, Carpenter, Clark, Conley, Kerry, Najarian, O'Leary, Pray, Shute, Trafton, Usher, Violette, Wood.

NAY — Ault, Brown, Charette, Collins, Devoe, Dutremble, Emerson, Gill, Huber, McBreaity, Minkowsky, Perkins, Pierce, Redmond, Sewall, C.; Sutton, Teague, Trotzky.

ABSENT — Hichens.

A Roll Call was had.

13 Senators having voted in the affirmative and 18 Senators in the negative, with 1 Senator being absent, the motion to Recede and Concur with the House does not prevail.

Is it now the pleasure of the Senate to Adhere?

It is a vote.

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

SENATE REPORTS — from the Committee on Energy and Natural Resources — Bill, "An Act to Undedicate Funds Received from Public Reserved Lands." (S. P. 92) (L. D. 208) MAJORITY REPORT Ought to Pass as Amended by Committee Amendment "A" (S-221); MINORITY REPORT Ought Not to Pass.

Tabled—May 14, 1981 by Senator COLLINS of Knox.

Pending—Motion of Senator McBREAIRTY of Aroostook to Accept the Majority REPORT On motion by Senator McBreairty of Aroostook, the Majority Ought to Pass, as amended, Report of the Committee Accepted. The Bill Read Once. Committee Amendment "A" Read.

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

Senator O'LEARY: Mr. President, I did have an amendment prepared for this Bill. However, I'm not going to offer it today because I think I know the outcome of this Bill. When it does reach a Committee of Conference, I think that at that time, perhaps, Adopt this Amendment.

I don't believe that we ought to undedicate and put to the Appropriations Committee these monies. I will not attempt today to offer my Amendment.

Committee Amendment "A" Adopted. The Bill, as amended, Tomorrow Assigned for Second Reading.

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

Bill, "An Act to Clarify the Inland Fisheries and Wildlife Laws of Maine." (H. P. 1423) (L. D. 1577)

Tabled—May 14, 1981 by Senator PRAY of Penobscot.

Pending—Enactment.

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

Senator PRAY: Mr. President, I move that the Rules be Suspended for the purpose of Reconsideration.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now moves that the Senate Suspend its Rules.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: I request a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: I ask this lie on the Table until later in today's session.

The PRESIDENT: The Chair would advise the Senator that the motion is out of order, on advice of the parliamentarian. Suspension of the Rules can not be Tabled nor debated.

However, the Chair would advise the Senator

that the Senator may Withdraw his motion, if he so requests, the Senate allows him that Leave.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: I ask Leave of the Senate to Withdraw his motion.

The PRESIDENT: Senator Pray of Penobscot now requests Leave of the Senate to Withdraw his motion to Reconsider.

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

It is a vote.

On motion by Senator Pray of Penobscot, Retabled until later in today's session.

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

Committee Reports

House

Ought to Pass

The Committee on Local and County Government on, RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Cumberland County for the Year 1981. (Emergency) (H. P. 1475) (L. D. 1605)

Reported pursuant to Joint Order (H. P. 264) that the same Ought to Pass.

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

Which Report was Read and Accepted, in concurrence, and the Resolve Read Once. On motion by Senator Conley of Cumberland, Under Suspension of the Rules, the Resolve given its Second Reading, and Passed to be Engrossed, in concurrence.

The Committee on Local and County Government on, RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Washington County for the Year 1981. (Emergency) (H. P. 1474) (L. D. 1606)

Reported pursuant to Joint Order (H. P. 264) that the same Ought to Pass.

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

Which Report was Read and Accepted in concurrence, and the Resolve Read Once. On motion by Senator Brown of Washington, Under Suspension of the Rules, the Resolve given its Second Reading and Passed to be Engrossed, in concurrence.

House

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

Bill, "An Act to Create the Maine Energy Commission." (I. B. 1) (L. D. 522)

Bill, "An Act to Exempt Small Businessmen from the Workers' Compensation Law." (H. P. 1109) (L. D. 1314)

Bill, "An Act Establishing Procedures for the Approval of Rates for Children Requiring Special Education Services at Residential Treatment Centers and Allocating Financial Responsibility for the Costs of Those Placements." (H. P. 1103) (L. D. 1308)

Leave to Withdraw

The Committee on Energy and Natural Resources on,

Bill, An Act to Encourage the Development of Renewable Energy Resources." (H. P. 732) (L. D. 915)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Public Utilities on,

Bill, "An Act to Establish a Municipal Power District Enabling Act." (H. P. 929) (L. D. 1100)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Public Utilities on,

Bill, "An Act to Increase the Assessments upon Certain Public Utilities and to Include Railroad Companies among the Utilities Assessed." (H. P. 576) (L. D. 656)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Public Utilities on, Bill, "An Act to Create the Maine Energy Authority." (H. P. 761) (L. D. 905)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Taxation on, Bill, "An Act to Index the Maine Individual Income Tax Structure." (H. P. 1197) (L. D. 1421)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Taxation on, Bill, "An Act to Provide for the Scheduled Reduction of Certain Property Tax Exemptions" (H. P. 1042) (L. D. 1261)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Taxation on, Bill, "An Act to Adjust the Tax Accounting Method Used for Corporations which are Part of a Unitary Group of Affiliated Corporations." (H. P. 1352) (L. D. 1543)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Taxation on, RESOLUTION, Proposing an Amendment to the Constitution of Maine Allowing the Legislature to Impose a Property Tax in Excess of the Cost of Services upon Properties in the Unorganized Territories. (H. P. 1138) (L. D. 1355)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Judiciary on, Bill, "An Act to Clarify the Right of Access to a Rental Dwelling Unit." (H. P. 319) (L. D. 348)

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.

The President laid before the Senate Bill, "An Act to Incorporate the Cobscook Bay Tidal Power District" (H. P. 1097) (L. D. 1304). Tabled earlier in today's session, by Senator Collins of Knox, pending Acceptance of the Committee Report.

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

The President laid before the Senate Bill, "An Act to Clarify the Inland Fisheries and Wildlife Laws of Maine" (H. P. 1423) (L. D. 1577). Tabled earlier in today's session, by Senator Pray of Penobscot, pending enactment.

On motion by Senator Pray of Penobscot, the Rules were Suspended.

On motion by Senator Pray of Penobscot, the Senate voted to Reconsider its action whereby this Bill (H. P. 1423) (L. D. 1577), was Passed to be Engrossed.

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

Senator PRAY: Mr. President, I offer Senate Amendment "A" under filing number S-340 and move its Adoption.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now offers Senate Amendment "A" to LD 1577 and moves its adoption.

Senate Amendment "A" (S-240) Read.

The PRESIDENT: The Senator has the floor.

Senator PRAY: Thank you, Mr. President.

Mr. President and Members of the Senate:

This Amendment is perhaps a missed one. It's one that's bothered me for a few days since I've seen this bill. I have no objections to the Maine Publicity Bureau, and promote its cause and what it does.

My concern is the fact that the language of the Bill says that the Commissioner, and we're talking about the Department of Fisheries and Wildlife, shall coordinate any programs dealing with promotion of the Department with the activities of the State Development Office to do this. My concern is the fact that taking the Maine Publicity Bureau and putting them into law into the statutes.

This basically would not affect any of those contractual agreements or the fact that the Maine Publicity Bureau can coordinate. It would just pre-empt the Commissioner of somewhere down the road, there are other competitive publicity bureaus or media organizations in the State that may want to compete to promote the State of Maine.

Senate Amendment "A" (S-240) Adopted.

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

Sent down for concurrence.

There being no objections all items previously acted upon were sent forthwith.

(Off Record Remarks)

Senator Collins of Knox was granted unanimous consent to address the Senate, On the Record.

Senator COLLINS: At the suggestion of legislative staff, I would remind the Senate that we have some new rules regarding requests for studies, in-room studies. If any Committee contemplates a study, there is a form that they need to fill out and file and that deadline is upon us.

If any individual has a request, they should first present it to the committee of jurisdiction before it will have standing to come in for any other consideration.

Those rules were passed out to everyone about three weeks ago. You'll probably find them in your desks, should you be interested.

On motion by Senator Pierce of Kennebec, Adjourned until Monday, May 18, at 10:00 o'clock in the morning.