

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

One Hundred and Tenth

Legislature

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 6, 1982 to April 13, 1982

INDEX

FOURTH SPECIAL SESSION

April 28, 1982 and April 29, 1982

INDEX

FIFTH SPECIAL SESSION

May 13, 1982

INDEX

SECOND CONFIRMATION SESSION

July 16, 1982

INDEX

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

Augusta, Maine
March 11, 1982

Senate called to order by the President.

Prayer by the Reverend John E. Fickett of the First Baptist Church of Mount Vernon.

REVEREND FICKETT: God in heaven, we ask that Thou be with us this hour. It is an awesome responsibility to make the laws for a million persons. We thank You that we have the opportunity to do this. Give us wisdom. Give us, O God, the ability to negotiate without compromise of our convictions, and, also, to enact those laws that will do the most good for the greatest number of persons.

We recognize, O Redeemer, that many times and many ways we have failed Thee, and made mistakes. We ask for Thy forgiveness, for thy restoration. We depend upon that.

Thank You that we know that Thy will should be done. Help us, O God, to do that, and to bring ultimate glory to Thy name alone. In whose name we pray. Amen.

Reading of the Journal of yesterday.

Order

On motion by Senator WOOD of York, ORDERED, the House concurring, that the Joint Standing Committee on Taxation report out a bill to the House to update current law to bring the state tax code into compliance with the United States Internal Revenue Code. (S. P. 922)

Which was Read.

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

Senator COLLINS: In view of our discussion yesterday on a related matter, it would be helpful, I think, to the Senate if the Senator from York, Senator Wood, would tell us what he has in mind about this Order.

The PRESIDENT: The Senator from Knox, Senator Collins, has posed a question through the Chair.

The Chair recognizes the Senator from York, Senator Wood.

Senator WOOD: Mr. President, Men and Women of the Senate, this Order was put in yesterday. When the Order was held, I assumed that there was going to be some changes made. I had an amendment drawn up to that Order. When that Order was released, I realized I would not have the opportunity to amend that Order. So I put this Order in as a competing order.

Basically, this would allow the Committee the flexibility to look at the full ramifications of the Federal Tax Code, and to report out a bill bringing us in compliance.

The Order that we had yesterday, I think, went beyond that. It ordered us to report out a bill and then told us what the bill had to say.

I think that, that was not a good way to have free and open discussion of the issue. I think that if we want the public to come and participate in a free and open discussion, that we should not make the game rules in advance, that those game rules should come at the hearing.

I think that this Order would give the Committee the flexibility it needs to report out a bill. If we need to have a revenue measure with this Order, this Order would allow us to put that on as a germane amendment. I was fearful that the other Order would set the Committee in concrete and we would not have the free and open discussion that Senator Devoe wanted us to have yesterday.

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

Committee Report 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 Provide for Matching Funds for Gypsy Moth Control." (H. P. 1992) (L. D. 1968)

Bill, "An Act Regulating Certain Practices Between Television, Radio and Phonograph Manufacturers and Repair Facilities." (H. P. 1993) (L. D. 1969)

Leave to Withdraw

The Committee on Aging, Retirement and Veterans on, Bill, "An Act to Authorize Sagadahoc County to Withdraw from the Maine State Retirement System." (Emergency) (H. P. 2026) (L. D. 1994)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Local and County Government on, Bill, "An Act to Permit Counties to Charge a Service Fee for Use of the County Jail." (H. P. 1814) (L. D. 1799)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Reports were Read and Accepted, in concurrence.

Ought to Pass

The Committee on Marine Resources on, Bill, "An Act to Clarify Fish Inspection Responsibilities." (H. P. 1742) (L. D. 1731)

Reported that the same Ought to Pass.

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

The Committee on Marine Resources on, Bill, "An Act to Allow the Transfer of Aquaculture Leases." (H. P. 1955) (L. D. 1927)

Reported that the same Ought to Pass.

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

Which Reports were Read and Accepted, in concurrence, and the Bills Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Provide a Data Input and Retrieval System for the Workers' Compensation Commission." (H. P. 1901) (L. D. 1886)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-640).

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

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

The Committee on Health and Institutional Services on, Bill, "An Act to Permit Physician's Assistants to Take Blood Samples in Cases Involving Operating Under the Influence." (H. P. 2028) (L. D. 2004)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-634).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-634) as amended by House Amendment "A" (H-635) Thereto.

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

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

Senator CONLEY: Mr. President, I wonder if some member of the Committee might explain to the Senate as to how this Bill would conflict with the present statute we have on the

books, the Implied Consent Law?

The PRESIDENT: The Senator from Cumberland, Senator Conley, has posed a question through the Chair to any knowledgeable Senator who may care to respond.

The Chair recognizes the Senator from Cumberland, Senator Gill.

Senator GILL: Mr. President, I don't believe there is any conflict at all in this particular law. The ability of physician's assistants to draw blood is all we're talking about here. They do many things now. They're not allowed, as the statutes are concerned at this present time, to do that. We have phlebotomists who are trained just to take blood. Physician's assistants' training is far more extensive than that. They should be allowed, they come under the direction of the physician and they should be allowed to take blood along with the physician.

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

Senator CONLEY: Mr. President, I would pose one more question through the Chair, if I may, to any member of the Committee who would like to respond. Is this blood taken with the consent of the individual?

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

Senator GILL: Mr. President and Members of the Senate, it is my understanding that it is taken with the consent of the individual.

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

Senator MINKOWSKY: Mr. President, another question through the Chair, if I may, to the Chairperson of the Committee on Health and Institutional Services. I notice under Liability, under House Amendment H-634, that no physicians' assistants, registered nurse, or person certified by the Department in the exercise of due care shall be liable in damages or otherwise. I think that's a very dangerous precedent to be set. I think physicians can be held liable in case they made a very, very serious mistake.

This reminds me of a case we had about six years ago, allowing physician's assistants and nurse practitioners to write and dispense controlled drugs. That was a situation that still exists today, which I think is very, very detrimental to the health and welfare of the people who are receiving services from the physicians. To allow a nurse practitioner or physicians' assistant to do this, and not be held liable, I think, is something we should research a little further. I'd like to get an explanation as to what the rationale was on behalf of the Committee.

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

Senator GILL: Mr. President and Members of the Senate: A physicians' assistant or a nurse practitioner can not operate unless they operate under the aegis of a physician. In the statute, when we looked at the part on liability, it was indicated that the physicians were listed there.

I don't have the book in front of me, but there were a certain group of people, nurses, certain groups of people that were listed that are registered under their own boards in the State of Maine. Physicians' assistants and nurse practitioners come within either the Nurse's Board or the Physician's Board. They have to operate under those particular boards.

We felt that, that liability already covered them, but one of the members of our Committee felt he wanted it inserted in the statute, so that's why we have inserted that particular portion. They already would be covered, we felt, under the physician, because that's who they operate under. But we just, as an added protection, we thought we would insert it there.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: I really question if it is an added protection on behalf of the people.

I can point out to the good Senator from Cumberland, that there have been many instances in the State of Maine with the rural health agencies where doctors who are in charge of those agencies never have seen the patient and the physicians' assistant or nurse practitioner has actually dispensed prescriptions.

This could be the very, very same thing in this particular case, here allowing them this flexibility. Especially taking away the liability in case they are wrong in their assessment with the person that they intend to take blood from.

I wish that this item would be tabled until later on in today's session, so that it could be further researched.

On motion by Senator Conley of Cumberland, Tabled until later in today's session, pending the Adoption of Committee Amendment "A".

Second Readers

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

House

Bill, "An Act to Provide for a Comprehensive Career and Occupational Information System." (H. P. 2015) (L. D. 1985)

Bill, "An Act to Establish "Free Look" Requirements for Medicare Supplement Policies." (Emergency) (H. P. 2111) (L. D. 2036)

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

House As — Amended

Bill, "An Act Concerning Salaries of District Court Judges." (H. P. 1869) (L. D. 1863)

Bill, "An Act to Authorize Governmental Entities to Provide Self-insurance." (H. P. 1825) (L. D. 1807)

Bill, "An Act to Amend the Uniform Commercial Code Regarding Investment Securities." (H. P. 1935) (L. D. 1919)

Bill, "An Act Concerning Look-alike Drugs." (H. P. 1882) (L. D. 1875)

RESOLUTION, Proposing an Amendment to the Constitution of Maine Prohibiting Bond Issues of Less than \$2,000,000. (H. P. 1792) (L. D. 1782)

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

Senate

Bill, "An Act to Establish the Cost of the Maine Forestry District in Fiscal Year 1982-1983." (Emergency) (S. P. 842) (L. D. 1965)

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

Sent down for concurrence.

Senate — As Amended

Bill, "An Act to Amend the Charter of the East Eddington Public Hall Company." (S. P. 792) (L. D. 1868)

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

Sent down for concurrence.

Enactors

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

AN ACT to Establish Procedures for Withdrawal of Participating Local Districts from the Maine State Retirement System." (H. P. 1953) (L. D. 1924)

AN ACT to Permit Persons Employed by Games of Chance Licenses as Bartenders to Operate and Conduct Certain Licensed Games of Chance. (H. P. 2030) (L. D. 1996)

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

AN ACT to Prohibit Drinking on School Premises Without Requiring Prior Warning by a Law Enforcement Officer. (H. P. 1929) (L. D.

1912)

On motion by Senator Charette of Androscoggin, Tabled until later in today's session, pending Enactment.

Emergency

AN ACT to Permit the Town of Freeport to Withdraw from the Maine State Retirement System. (S. P. 837) (L. D. 1960)

Emergency

AN ACT Relating to the Publication of a Consolidated Map of the State. (H. P. 1843) (L. D. 1838)

Emergency

AN ACT to Repeal the Maine Bid Preference Law. (H. P. 1904) (L. D. 1889)

These being emergency measures and having received the affirmative vote of 26 members of the Senate with No Senators having voted in the negative, were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

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

Papers from the House

House Papers

Bill, "An Act Relating to the Sale and Purchase of Herring." (H. P. 2162) (L. D. 2062)

Bill, "An Act to Provide the Authority to the Commissioner of Marine Resources to Register a Trademark." (Emergency) (H. P. 2163) (L. D. 2063)

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

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

There being no objections all matters previously acted upon were sent forthwith

Orders of the Day

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

Senator COLLINS: Mr. President, is the Senate in possession of L. D. 1907, An Act to Adjust the Eating, Lodging and Recreational Place Licensing Fee?

The PRESIDENT: The Chair would answer the Senator in the affirmative.

Bill, "An Act to Adjust the Eating, Lodging and Recreational Place Licensing Fee." (S. P. 811) (L. D. 1907) having been held.

The Chair recognizes the Senator from Aroostook, Senator McBrearty.

Senator MCBREARTY: Mr. President, I move that we Reconsider our action whereby LD 1907 was Passed to be Engrossed.

On motion by Senator Collins of Knox, Tabled for 1 Legislative Day, pending the motion by the Senator from Aroostook, Senator McBrearty.

On motion by Senator Pierce of Kennebec, Recessed until 4:30 o'clock this afternoon.

Recess

After Recess

The Senate called to order by the President.

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

Paper from the House

Joint Resolution

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-TWO

JOINT RESOLUTION MEMORIALIZING CONGRESS TO SUPPORT A MUTUAL FREEZE ON NUCLEAR WEAPONS BY THE

UNITED STATES AND THE SOVIET UNION

WE, your Memorialists, the House of Representatives and Senate of the State of Maine, in the Second Regular Session of the One Hundred and Tenth Legislature, now assembled, most respectfully present and petition the Congress of the United States, as follows:

WHEREAS, the United States and the Soviet Union between them currently possess 50,000 nuclear warheads and are in the process, over the next 20 years, of building 20,000 more nuclear warheads; and

WHEREAS, the destructive power of these weapons can render the planet earth uninhabitable for any form of life; and

RESOLVED: That We, your Memorialists, respectfully urge and request the Congress of the United States to take immediate action by calling upon both the United States and the Soviet Union to adopt a mutual freeze on the testing, production and deployment of nuclear weapons, completely verifiable by whatever methods necessary to ensure compliance by both nations; and be it further

RESOLVED: That it is recognized that President Ronald W. Reagan has taken a positive step in this direction through his proposal for nondeployment of nuclear weapons in Europe; and be it further

RESOLVED: That it is further recognizes that a mutual freeze of nuclear weapons is to be followed by the mutual reduction of such weapons and a balance of nuclear forces between these nations; and be it further

RESOLVED: That notice be given to government officials of the Soviet Union; that no illusions should be entertained concerning the resolve of the Memorialists to protect the national security of the United States; and that the government officials of the Soviet Union are urged to allow their own citizens free and open support of a mutual, verifiable freeze and reduction of nuclear weapons; and be it further

RESOLVED: That a duly authenticated copy of this Resolution be immediately submitted by the Secretary of State to the Honorable Ronald W. Reagan, President of the United States, the Honorable George Bush, President of the Senate, and the Honorable Thomas P. O'Neill, Jr., Speaker of the House of Representatives of the Congress of the United States, and each Member of the Senate and House of Representatives in the Congress of the United States from this State. (H. P. 2161)

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

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

Senator HICHENS: Mr. President and Members of the Senate: I believe it is a sad state of affairs when the Legislature of the State of Maine is faced with a decision as to whether we should memorialize the President of our United States, and the Congress to take action to halt precautionary measures that may save our country from ultimate destruction.

This Resolution before us practically demands that action on the nuclear arms race be halted, by proposing to the Soviet Union the adoption of a mutual freeze on testing, production, and deployment of nuclear weapons and their delivery systems. I ask you how naive can we be? To even imagine that the Soviet Union would live up to an agreement such as this, is inconceivable. As we vividly recall that occasion when Mr. Khrushchev pounded his shoe on the desk and vowed that Russia would bury us. Or remember the day the Nuclear Ban Treaty was to be signed, that Russia invaded Czechoslovakia. Or when SALT II negotiations were still being considered, the Soviet army marched into Afghanistan.

I will never forget meeting with Soviet officials in Moscow in late 1978, and listening to them accuse Americans of being warmongers, and pleading to the group of legislators, I was with, go back and urge the President and Congress to sign the SALT II Treaty. I, also, recall

as I viewed the body of Lenin reposing in a glass case, his famous statement that "treaties are only for getting breath for a new effort. They exist to be broken as soon as expedient. Peace propaganda is to camouflage war preparations."

In response to my statements that we can't trust the Russians, there are those who would say we don't have to. We can check their compliance with the freeze using high capable satellites, as we've been doing for SALT I and proposed SALT II agreements.

I would respond to them by asking how effective this checking has been. Look at the invasion of Afghanistan, the takeover of Nicaragua, and the attempted takeover of El Salvador by the Communists, and you will see how the Russians react to agreements.

I draw your attention to the next to the last paragraph of this Resolution, which reads "that notice be given to government officials of the Soviet Union; that no illusions should be entertained concerning the resolve of the Memorialists to protect the national security of the United States; and that the government officials of the Soviet Union are urged to allow their own citizens free and open support of a mutual, verifiable freeze and reduction of nuclear weapons; and be it further Resolved."

I will let you know this afternoon that the citizens of the Soviet Union are not allowed to express opinions. All of their reading materials, their newspapers, radio, and even merchandise they can purchase is controlled by the government. Freedom of expression is forbidden. In simple words, they are puppets of the government.

By resolutions like this before us, we are just helping pave the way for the Communists. Unilateral disarmament will only result in slavery for American children.

I urge you to vote against the Resolution today and support our President in building up our national defense to preserve our freedoms. I would do everything possible to prevent a third World War, but I am convinced that the only way for peace is for peoples of the world to turn to God. Until that time, might is the only recourse we have. Agreements with a nation that has proven it can't live up to agreements is not the answer. Thank you.

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

Senator GILL: Mr. President and Members of the Senate: I would urge when the vote is taken, that you vote against Senator Hichens' suggestion.

I urge you all today to join us in the ultimate form of preventive medicine with this declaration of survival. The threat that exists is a threat to the existence of all mankind. The language of this Resolution asks that our government consider a policy to attempt to recognize a bilateral freeze with the Soviet Union. It does not seek to negotiate a complex SALT agreement, for that is the task of the federal government. It does not ask for unilateral action, for that would be foolhardy. It does not preempt the responsibility of our elected officials in Washington.

Indeed, those of our delegation who have seen the draft have expressed very clearly that they are very comfortable with it. In fact, I just got word that David Emery said, that if he was here in this Body, he would vote for it today.

Passage of this Resolution would simply reaffirm to our President, to our Congress, and to our Legislative Delegation our concern. It would, also, indicate to your constituents and my constituents that the average person, the grass roots people, who will be heard by us, and that we will pass on their words to those in Washington.

To those of you who say we should not involve ourselves in this particular type of action in the Senate Chamber today, because the Maine Legislature does not deal with the defense of this

country, I tell you that I'm certainly willing to let the experts develop the policy for a mutual freeze. The key words there is "a mutual freeze."

I don't want to play the numbers game, because I'm not an expert at defense strategy. I'm an expert at many things, but that's not one of them. This is my time to raise my voice to the President and to Congress, in the spirit of the Christopher saying: "It's better to light one candle than to curse the darkness."

I feel anyone who has a reverence for life, whether it be their own, their spouse's, their children, should vote for this today. If faced with a catastrophic situation, they would try and do something to protect them, and that is what I'm asking of you today. Try to do something now, send a message that you are fearful. If you wait too long, there may not be anyone left to speak for us.

I care about people in this Chamber. I care about people in general. We've had people here like Don O'Leary, Senator Don O'Leary, who has been sick. I ask him, should he be here, is feeling well? Has he been following proper doctor's instructions? I care about Andrew Redmond. When he hurt his leg, I wanted to make sure that he had x-rays, or that he had seen the doctor. I care about Beverly Bustin. She had a grandchild just this week. I want Beverly to be allowed to live and see that grandchild grow to an adult with a happy and healthy life.

I think, if we do care about these people, I care about all of you but I'm not going to mention all of you, I think that where we do care so much, we should put some emphasis in caring for not only the people in this Body, the people we live and deal with daily, but the people in the State and the people in the whole country, in general.

Many of us here present bills for our own select special interest groups, whether it be the handicapped, the AFDC interested groups, whether it be the handicapped, the AFDC mothers, the Maine Farmers, or the Maine fishermen. I urge all of you to express the same caring and concern for all of Maine people by voting for this Resolution, indeed, all the people of the world.

To those of you who are concerned about the trust factor with the Soviets, may I assure you that the methods of the freeze would call for complete verification by whatever methods are necessary to insure compliance.

I would urge you, please, to vote for this Resolution. Thank you.

(Off Record Remarks)

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

Senator COLLINS: Mr. President and Members of the Senate, I speak today as an individual, the Senator from Knox, and not as Majority Floorleader. Strategic arms limitation has been the goal of our nation under the leadership of at least three Presidents. I believe that there are ongoing efforts towards nuclear arms reduction in the spirit of this Resolution, and I am in favor of those efforts.

I note that this Resolution does not include China, India, or Israel. What gives me pause is a concern that we may be weakening our national negotiating posture. I am not certain that we, in the Maine Legislature, have access to the international information available, to the President and the Secretary of State, which would enable us to judge wisely in the delicate conduct of foreign policy in this area.

I am pleased by the grass roots interest in this subject. I am pleased by the expressions that have been made by the Senator from Cumberland, Senator Gill. I would prefer to convey that interest to the Congress and to the President by personal communication, rather than by the formal action of this Legislature. Thank you.

The PRESIDENT: The Chair recognizes the

Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President and Members of the Senate, I agree with many of the things that have been stated here today, particularly the words expressed by the good Senator from Cumberland, Senator Gill.

What bothers me primarily, and this Resolution does not bother me, I intend to support it and vote for it, but I think what this Resolution primarily does is it expresses to those who are in the leadership of this country, a message to try to restore sanity to the world.

It's not a Republican thing, it's not a Democratic thing, it's not a Communist thing. It's the concern of every living citizen in the world.

I expressed early this afternoon on an occasion recently of sitting home with my 14 year old daughter. The two of us being alone in the front room watching television. As most of you know, when there's only two of us present in the Conley household, that means that there's a lot of them out somewhere. We were watching a documentary on television that had something to do with a nuclear holocaust. I had gotten up and left the room to get a glass of milk and a sandwich and I came back and my 14 year old daughter was in tears.

That program had conveyed to her such a message that this 14 year old girl had an emotional strain on her and broke into tears, wondering whether or not by the following morning, this country would be engaged in a nuclear war.

That's my concern. That's the concern of everyone, not in this Senate, not in this State, but in the world. Everyone is living with that fear that someone is going to push that button.

I would hope that the Administration in Washington would accept this message that we are attempting to send to them today, that all of us have grave concerns, and that they could somehow relate back to us that our fears can be lessened.

I would urge each Member of this Senate to vote for this Joint Resolution. When the vote is taken, Mr. President, I request that it be taken by the Yeas and Nays.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: Mr. President and Members of the Senate, I wholeheartedly agree with the statements which have been made by the good Senator from Portland, Senator Gill. I appreciate her concern for certain named Senators in our midst, for those that she did not name, for her concern for everyone.

I certainly have that same concern. I have 22 grandchildren whom I'm very much concerned about. That is the reason that I'm going to vote against this Resolution this afternoon, because I feel that having a nuclear freeze isn't going to insure them peace in the days to come.

As I mentioned before, the only way for peace is through God above. If we can't do it that way, let us show by our running along at least even with the Soviet Union, and hopefully ahead of them, that we mean by might to protect our shores.

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

Senator SUTTON: Mr. President, Ladies and Gentlemen of the Senate, I agree wholeheartedly with the good Senator from York, Senator Hichens. I, also, agree with the good Senator from Cumberland, Senator Gill.

There's no way that anyone can be for nuclear weapons or for war. I do not believe for one second that anyone in Washington, and especially the President, needs to know of our concern about war and about nuclear proliferation and about the devastation of it. I don't think that our saying anything to them today is going to make a difference to him. Certainly it's not going to make a difference to the Kremlin.

By the same token, I would hate to pass up the opportunity of lighting that one little

candle, for whatever it's worth. At the same time, I can't help but worry a little bit in the same vein as George Washington did, at the First Continental Congress, when there was a resolution brought before the Congress that we limit the armed forces of the Continental Congress to 5000 men. George Washington said, "I wholeheartedly agree with that, if someone would just amend it that no invading armies would have more than 3000."

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

Senator MINKOWSKY: Mr. President and Members of the Senate, I respect wholeheartedly the assessment discussion this afternoon by many Members of this Body. One significant thing that has materialized, and I think we all understand very clearly, is we can not trust the Russian government. We can trust the Russian people, but not its government.

I think this Resolution this afternoon reinforces our feeling as a people in this nation. It really sends a very clear signal to the President and to Congress and his Cabinet that we are an intelligent people, we respect our freedoms and our rights, and that we expect them not to just be conformists, and play their games, and keep the American people in the dark at our expense.

This is a perfect opportunity, as far as I am concerned, to articulate this particular signal to our Representatives in Congress. I think, by passing this Resolution this afternoon, that those who are running for re-election to the Congress of the United States will have to address this openly to the people in the State of Maine.

I'm counting on this particular point, and I'm certainly looking at these candidates, that they will discuss this openly and not evade the issue. It's too easy camouflage issues of this nature.

It is true, as Senator Collins has stated earlier, about maybe we should not be involved somewhat in foreign policy. I think the voice of the people in articulating this as part of our foreign policy will make it perfectly clear that we will no longer tolerate an expansion of nuclear weapons in this nation. We are surrounded by them. If I understand correctly from watching documentaries of the devastating effect, even with nuclear blasts for testing, has upon the ozone in this country, I think that in itself should be fearful enough to know what exactly will be the long-range effects. We will be destroying ourselves, maybe without even blasting a nuclear weapon in time of war.

We've got to point where everybody is vitally concerned, and they should be. In our materialistic society today, people sometimes are rather complacent. I think this particular Resolution has changed our attitude a great deal from being a complacent, materialistic nation, to a very concerned nation. I support the Resolution.

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

Senator CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, I had no intention whatsoever of getting into this debate this afternoon, but it seems to me that we have before us a chance to make a very clear expression of legislative sentiment, if nothing more. I appreciate the thoughts of the good Senator from York, Senator Hichens, and the good Senator from the County of Knox, Senator Collins, as to whether or not we ought to be in the nuclear arms limitations business. I don't think that's what this Resolution says at all. I think it very simply expresses to the President of the United States, the Congress of the United States, our deep concern.

I almost hear a hint in some of the debate here this afternoon that we're really debating whether or not there should be a nuclear war. That, in itself to me, is very frightening. All the wars that have gone on in the history of this country, all the wars that Members of this Leg-

islature or other Legislatures have fought would be absolutely overshadowed by one nuclear exchange.

We've heard talk about the winability of a nuclear war. Talk like that is insane. We've talked about whether or not we can survive a nuclear war. That's equally insane. If anybody ever pushes a button, I hope that I'm one of the first ones to go, because I don't want to survive in that kind of an atmosphere. I don't want to survive in that kind of a world.

This memorial to Congress in nothing more than that. It's simply an expression, the same kind of expression that's growing. Somebody mentioned the word grass roots. That's a popular word for politicians to use, but it is growing, from a lot of small communities in Maine, a lot of small communities across the country. Let the people who have to make the decisions, who have to make the foreign policy, who have to make the system work, let them know that we're scared to death. Anybody that isn't, is insane.

That's all we're trying to let them know with this Resolution this afternoon. I have always been amazed to hear the ease with which people talk about death, dying, and war. It's one of the easiest subjects in the world to talk about, one of the easiest subjects in the world to write about but it's a completely different picture, believe me. The horror that I saw in Vietnam would be absolutely nothing compared to one minor exchange of nuclear weapons.

We're not asking anyone to trust the Russians. If we did, I certainly wouldn't be supporting this Resolution. If you read the Resolution, and I honestly don't know of anything that's been more carefully drafted in the eight years that I have served in the Maine Legislature, very, very, very carefully drafted to express the real meaning of what we were trying to convey.

I would urge that you do not support the good Senator from York, Senator Hichens, but that you do vote to Pass this Resolution. Thank you.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: Thank you, Mr. President. Mr. President and Members of the Senate, this Resolution before us today poses a very difficult choice. For me, I have had my own town vote in its council meeting a few weeks ago unanimously to support this Resolution. I have not heard from the other communities I have received a barrage of letters and an avalanche of phone messages from people virtually all of whom have said, vote for the Resolution.

I guess what is making me hesitant about it is my own view of what my duty as a legislator is. I happen to think very strongly and deeply that what the people in District 26 elected me to do was to come down here and use whatever intellect I have, along with the rest of you, to deal with State problems.

There certainly has been a well-orchestrated effort by the grass roots people, over the last several weeks. In communities they went to the extent of taking over the town meeting in Camden, with a group of 19 or 20 proponents who walked in 2 minutes of 9:00 and put this thing through.

I don't think that a vote against the Resolution is a vote that says you're in favor of nuclear war. Not at all. I'm not. I have a fairly large family. I think that, as a parent, I have just as strong a desire to see my children, and to see my wife and I, and everyone that I know continue, and hopefully conclude our lives without a nuclear exchange being inflicted on us.

So I'm not, and I hope that nobody here today, thinks that anyone who votes against the Resolution, will equate that with a view of being for war or anything like that. I don't think that is true. I know it isn't true in my case.

We occasionally have very difficult choices here. I haven't recalled such a difficult choice since we had the State employees pack this Chamber several years ago. There were so many people in the Chamber, for those of you who are here sitting today, that they were sitting on the floor behind all our seats. That was a completely different issue.

So, Mr. President, as inarticulately as I have been able to do it this afternoon, I have tried to explain to my fellow Senators why I feel it necessary not to support this Resolution. I think we have a job to do as a State Legislature dealing with State problems. I think this is a national problem. We have had virtual armies of negotiators from the Department of State abroad, negotiating various SALT agreements, or trying to negotiate various SALT agreements. The sticking point always seems to be on mutual verification.

I agree with Senator Collins from Knox that this is a national problem. I think, when the vote is taken, it will be an unpopular position, because there appears to be a wave flowing across this State that would lead the average person reading the newspapers, watching TV, and listening to radio, to believe that it would be insane to vote against this Resolution.

If you analyze what has been happening since that first town meeting vote in Buckfield, I think it was, three or four weeks ago. There has been a crescendo of seeming grass roots support for this. However, my own view of my duty as a State Legislator is to deal with State problems. It is for that reason that I intend to vote against passage of this Resolution.

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

Senator PRAY: Mr. President and Members of the Senate: It is a late Thursday afternoon that we are discussing this and I am sure that many Members of the Senate, wish that the action that this Chamber had taken had followed suit with that which happened this morning, that this Resolution had gone under the hammer.

There have been several comments which I think need to be responded to. Many times in a piece of legislation that we have, there is the wording that the intent of that legislation is to protect and preserve the welfare of the people of the State of Maine.

There has been reference to the situation in the Soviet Union that there is not in reality any type of free speech, that the media is controlled and so forth. We in this country have that advantage of a democratic system and society, which allows the people of this country to be heard, at many, many levels.

The Senator from Penobscot has already mentioned that level closest to the people, that of town government. The town meeting forms with we exercise in New England. Perhaps the truest democratic form of government, anywhere. Where every individual has the opportunity to partake in how its community will be run.

There is a wave going across this State and going across this nation because of individuals concerned about the threat that hangs over our heads.

The Senator from York, Senator Hichens, keeps referring that this country and this nation and we as individuals have to turn to God, and that we have got to put it into God's hands. Well, God gave us a brain to use, and hoped that we would use common sense. I think that this Resolution is common sense. It provides for this nation to provide the protection necessary to insure its defense.

When I listened to the Senator from Aroostook, Senator Carpenter, talk a few moments ago, him and I, I think, are the only two members in this Chamber who served in the most recent war that this nation was in, and the only war that this nation lost.

Funny how names catch on, a few years ago there was a record out, called, "Puff the Magic

Dragon" and we used to have an airplane in Vietnam called, "Puff the Dragon", 6,000 rounds of bullets per minute, and that is 100 per second. You ought to see what it does to what it hits, or napalm. Well, I've seen what those things have done. I thank God, I have not seen what a nuclear bomb has done, in person. I have not had the opportunity nor would I ever wanted to have been able to visit Japan after World War II.

We each and everyone of us talk about our children, grandchildren, and so forth, and the preservation of life, and on the other side is the national security issue. I do not consider myself a pacifist, I do not consider backing down in Iran, Afghanistan or El Salvador. I think that this nation has to protect its interests, and that we should do it with a certain degree of sanity, because we do have responsibilities not only to the Americans, but to the rest of the world.

Senator Ed Muskie, former Secretary of State Muskie when he spoke at a Democratic convention a few years ago, talked about the perception of America world wide. It was just a few years ago the novel, "the Ugly American" came out and it was made into a movie. In many instances we had a chance to use a mirror to look at ourselves, and we questioned the trusting of Russia or any other nation.

We have to, also, reflect that we have not always had the cleanest of gloves in world affairs. So, there may be some concern about why others should trust us, a well.

I think, the comments by Senator Muskie, or former Secretary of State Muskie at that democratic convention was even with all the criticism of the United States, that daily there are thousands and thousands of people whose dream and hope is to be able to come to America. That they see this as the last hope in the world for freedom to them, in their type of economic disarray and form of government which gives them less freedom or no freedom at all.

This Resolution talks about something that may end that hope that everybody. If the sanity, the insanity of the situation ever comes about that both nations, super powers or even those who have nuclear weapons ever for some reason should go forth and start that last one, then there is no hope for anybody.

As I started out, I said, I don't consider myself a pacifist and I would urge that the United States build its defense on a conventional measure to match the defense of any great enemy that we see, but this Resolution calls for that matching, that security that each and every one of us want.

I think, that it is important that we do deliver a message to Washington, we are not the only state that is doing this. If it was just Maine reaching out and calling to the United States Congress, and the President of the United States to go along on this type of position, then it would be lost. Most states in this nation will be addressing it. I am sure that an overwhelming vote by this Chamber would clearly deliver a message to those who represent us in Washington, at this time and to those who will represent us come November, what the position of the people of the State of Maine is.

I would hope that we would overwhelmingly, for the protection and the preservation of the people of the State of Maine, pass this Resolution.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Thank you, Mr. President, Men and Women of the Senate, during the past two years I have listened with great care to Maine's newest voice in the Congress, the voice of Senator George Mitchell. While I'll admit, at times, some of his messages are repeated too often, such as the Vassalboro cow story, there is one message that I have never been tired of hearing, from Senator Mitchell.

That is his message about the nuclear buildup, about the destructive power that we have in the nuclear buildup and about the human and economic costs of that buildup.

While I haven't spoken with him this afternoon I know that he would encourage us, today, to send this message down to Congress, because we can't depend on all our representatives in Congress to act with the same common sense that some of our own representatives have shown. They needed our help and it is our responsibility to take action on this today and to send them the help that they need.

While the good Senator from York, Senator Hichens, may choose to look to the past with distrust, I choose to look to the future with hope. While the good Senator from Penobscot, Senator Devoe, may feel it is the popular thing to do, I only look for the right thing to do. I look for the right thing to do for us, and for our children.

The PRESIDENT: 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 present 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 Adoption of HP 2161.

A Yes vote will be in favor of Adoption of HP 2161.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Ault, Brown, Bustin, Carpenter, Charrette, Clark, Conley, Emerson, Gill, Huber, Kerry, McBreaity, Minkowsky, Najarian, Perkins, Pierce, Pray, Redmond, Sewall, C.; Shute, Sutton, Trafton, Trotzy, Usher, Wood.

NAY—Collins, Devoe, Hichens, The President-J. Sewall.

ABSENT—Dutremble, O'Leary, Teague, Violette.

A Roll Call was had.

25 Senators having voted in the affirmative and 4 Senators in the negative, with 4 Senators being absent, HP 2161 was Adopted, in concurrence.

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

Papers From the House House Paper

Bill, An Act to Amend the Maine Turnpike Authority Statutes. (Emergency) (H. P. 2165) (L. D. 2064)

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

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

Joint Order

An Expression of Legislative Sentiment recognizing:

Father Leonard LeClair, Chaplain, Veterans Hospital, Togus, Maine, recipient of the 1982 Calumet Club Education Foundation Humanitarian Award. (H. P. 2164)

Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

Committee Reports House

Ought to Pass — As Amended

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Allow Priority Social Service Program Funds to Match Appropriate Federal Funds." (H. P. 1835) (L. D. 1832)

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

643).

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

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

Senate

Leave to Withdraw

Senator CLARK for the Committee on Business Legislation on, Bill, "An Act to Regulate the Sale of Franchises and Business Opportunities" (S. P. 806) (L. D. 1892)

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 SUTTON for the Committee on Business Legislation on, Bill "An Act to Amend the Maine Consumer Credit Code Regarding Educational Loans and Cosigners Notices." (Emergency) (S. P. 787) (L. D. 1852)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-407).

Senator CLARK for the Committee on Business Legislation on, Bill, "An Act to Amend the Maine Consumer Credit Code Regarding Second Mortgages and Mobile Homes." (S. P. 759) (L. D. 1817)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-408).

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.

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

Committee Report Senate

Leave to Withdraw

Senator WOOD for the Committee on Agriculture on, Bill, "An Act to Provide for Identifying Seed Potatoes." (S. P. 869) (L. D. 2014)

Reported that the same be granted Leave to Withdraw.

Which Report was Read and Accepted.

Sent down for concurrence.

Orders of the Day

The President laid before the Senate:

Joint Order—Relative to Taxation Committee reporting out a Bill regarding United States Internal Revenue Code. (S. P. 922)

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

Pending—Passage.

On motion by Senator Collins of Knox. Retabled for 1 Legislative Day.

The President laid before the Senate:

Bill, "An Act to Permit Physicians' Assistants to Take Blood Samples in Cases Involving Operating Under the Influence." (H. P. 2028) (L. D. 2004)

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

Pending—Adoption of Committee Amendment "A"

On motion by Senator Minkowsky of Androscoggin, Retabled for 2 Legislative Days.

The President laid before the Senate:

Bill, "An Act to Prohibit Drinking on School Premises Without Requiring Prior Warning by a Law Enforcement Officer." (H. P. 1929) (L. D. 1912)

Tabled—Earlier in the Day by Senator CHARRETTE of Androscoggin.

Pending—Enactment.

On motion by Senator Charette of Androscoggin, Retabled for 1 Legislative Day.

On motion by Senator Pierce of Kennebec, Adjourned until 12:00 o'clock tomorrow morning.